

## EXISTING ZONING BYLAW

## ZONING DRAFT 2021 REV. 1 Updated 12/3/21

	SECTION 1000. PURPOSE AND AUTHORITY	1	PURPOSE AND AUTHORITY
1100	<p><b>PURPOSE.</b> The purpose of this By-Law is to implement the zoning powers granted to the Town of Tewksbury under the Constitution and Statutes of the Commonwealth of Massachusetts and includes, but is not limited to, the following objectives: (a) encouraging the most appropriate use of land; (b) promoting the health, general welfare of the inhabitants of the Town; (c) preventing overcrowding of land; (d) securing safety from fire, flood, panic and other dangers; (e) sustaining the economic viability of the community; (f) balancing private property rights with the greater common good; (g) lessening congestion of traffic; (h) assisting in the economical provisions of transportation, water, sewerage, schools, parks and other public facilities; (i) encouraging housing for persons of all income levels; (j) preserving and enhancing the development of the natural, scenic, aesthetic qualities of the Town; and (k) giving consideration of the recommendations of any special studies and master plans. <i>[p.11]</i></p>	<p>1.1</p> <p>1.2</p>	<p><b>TITLE</b> This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Tewksbury, Massachusetts," hereinafter referred to as "this Bylaw." <i>[p.1]</i></p> <p><b>PURPOSES</b> This Bylaw is enacted in order to promote the general welfare of the Town of Tewksbury; to protect the health and safety of its inhabitants; to support the most appropriate use of land throughout the Town: to further the goals of the Tewksbury Master Plan: and to preserve and increase the amenities of the Town, all as authorized but not limited by the provisions of the Massachusetts Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975. <i>[p.1]</i></p>
1200	<p><b>AUTHORITY.</b> This Zoning By-Law is enacted in accordance with the provisions of the Massachusetts General Laws, Chapter 40A, and any and all amendments thereto. <i>[p.11]</i></p>	1.3	<p><b>AUTHORITY</b> This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A, as amended. <i>[p.1]</i></p>
1300	<p><b>SCOPE.</b> For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be</p>		<p><i>[Not necessary given the applicability clause of Section 1.4]</i></p>

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	occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town of Tewksbury are regulated as hereinafter provided. <i>[p. 11]</i>		
1400	<b>APPLICABILITY.</b> All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town of Tewksbury, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control. <i>[p.11]</i>	1.4	<b>APPLICABILITY</b> All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control. <i>[p.1]</i>
1500	<b>AMENDMENTS.</b> This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in M.G.L. c. 40A, s. 5, and any amendments thereto. <i>[p.11]</i>	1.5	<b>AMENDMENT</b> This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, § 5. <i>[p.1]</i>
1600	<b>SEVERABILITY.</b> The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein. <i>[p.11]</i>	1.6	<b>SEVERABILITY</b> The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein. <i>[p.1]</i>
	<b>SECTION 2000. DISTRICTS</b>	4	<b>ESTABLISHMENT OF DISTRICTS</b>
2100	<b>ESTABLISHMENT.</b> For the purpose of this By-Law, the	4.1	For purposes of this Bylaw, the Town of Tewksbury is

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	<p>Town of Tewksbury is divided into the types of zoning districts set forth below:</p> <p>Residence 40 District (R40)  Farming District (FA)  Limited Business District (LB)  Commercial District (COM)  Transitional District (TR)  Park District (P)  Municipal District (MN)  Multiple Family District (MFD)  Multiple Family Dwelling/55 (MFD/55)  Community Development District (CDD)  Heavy Industrial District (HI)  Heavy Industrial District 1 (HI1)  Office/Research District (OR)  Westside Neighborhood Business District (WNB)</p> <p><i>[p. 12]</i></p>	<p><b>4.1.1</b></p> <p><b>A.</b></p> <p><b>1.</b></p> <p><b>2.</b></p> <p><b>3.</b></p> <p><b>4.</b></p> <p><b>B.</b></p> <p><b>1.</b></p> <p><b>2.</b></p> <p><b>3.</b></p> <p><b>4.</b></p> <p><b>5.</b></p> <p><b>6.</b></p> <p><b>C.</b></p> <p><b>1.</b></p> <p><b>2.</b></p> <p><b>3.</b></p> <p><b>D.</b></p> <p><b>1.</b></p> <p><b>2.</b></p>	<p>divided into the following districts:</p> <p><b>Use Districts</b></p> <p>Residential</p> <p>Farming (F)  Residence 40 (R40)  Multifamily (MF)  Village Residential (VR)</p> <p><b>Business</b></p> <p>Town Center (TC)  Mixed-Use Business (MUB)  South Village Business (SB)  Westside Neighborhood Business (WNB)  General Business (GB)  Limited Business (LB)</p> <p><b>Office-Industrial</b></p> <p>Office-Research (OR)  Industrial 1 (I1)  Industrial 2 (I2)</p> <p><b>Other Districts</b></p> <p>Park (P)  Transition (TD)</p> <p><i>[pp.28, 29]</i></p>
<b>2200</b>	<p><b>OVERLAY DISTRICTS.</b> In addition, the following overlay districts are also hereby established:</p> <p>6400 Wireless Communications Facilities  7600 Multiple Family Dwellings in the Senior Village District/55 (SVD/55)</p>	<p><b>4.1.2</b></p>	<p><b>Overlay Districts</b></p> <p>A. Flood Plain (FP) District  B. Ground Water Protection (GWP) District  C. Interstate Overlay (IO) District</p>

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	<p>8100 Flood Plain District</p> <p>8300 Ground Water Protection District</p> <p>8400 Interstate Overlay District</p> <p>8500 Highway Corridor Overlay District</p> <p>8600 Town Center Overlay District</p> <p>8620 Village Residential Overlay District</p> <p>8640 Village Mixed-Use Overlay District</p> <p>8660 South Village Overlay District</p> <p>8680 Community Village Overlay District</p> <p><b>[p.12]</b></p>		<p>D. Marijuana Dispensary Overlay (MD) District</p> <p><b>[p.29]</b></p>
<b>2300</b>	<p><b>MAP.</b> The districts identified in Section 2100 are shown, defined and bounded on the map accompanying this By-Law entitled "Town of Tewksbury Zoning Map, Underlying Districts" (map 1 of 2) dated March 25, 2005, and on file with the Town Clerk.</p> <p>The overlay districts identified in Section 2200, with the exception of the Flood Plain District, are shown on a map accompanying this By-Law entitled "Town of Tewksbury Zoning Map, Overlay Districts" (map 2 of 2) dated March 25, 2005 and on file with the Town Clerk.</p> <p>The Flood Plain District includes all special flood hazard areas within the Town of Tewksbury designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of</p>	<b>4.2</b>	<p><b>ZONING MAP</b></p> <p>Zoning districts are shown on a map entitled "Zoning Map of the Town of Tewksbury" (the Zoning Map) on file in the Office of the Town Clerk. The district boundaries shown on the Zoning Map are part of this Bylaw. Changes to the Zoning District boundaries are made the same way as amendments to the text of the Zoning Bylaw are made. The Zoning Map may include geographical features, streets, notations, and other information to keep the map current and to facilitate orientation.</p> <p>The Flood Plain District includes all special flood hazard areas within the Town of Tewksbury designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Tewksbury are panel numbers 25017C0142E,</p>

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	<p>Tewksbury are panel numbers 25017C0142E, 25017C0144E, 25017C0163E, 25017C0164E, 25017C0276F, 25017C0277F, 25017C0278F, 25017C0279F, 25017C0281F and 25017C0283F dated July 6, 2016; and 25017C0256F, 25017C0257F, and 25017C0259F dated July 6, 2016 or most recent maps as approved by FEMA. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016 or most recent maps approved by FEMA. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Town Engineer. <b>[pp.12, 13]</b></p>		<p>25017C0144E, 25017C0163E, 25017C0164E, 25017C0276F, 25017C0277F, 25017C0278F, 25017C0279F, 25017C0281F and 25017C0283F dated July 6, 2016; and 25017C0256F, 25017C0257F, and 25017C0259F dated July 6, 2016 or most recent maps as approved by FEMA. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016 or most recent maps approved by FEMA. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Town Engineer. <b>[p.29]</b></p>
<b>2310</b>	<p><b>Rules for interpretation of zoning district boundaries.</b> Where uncertainties exist as to the boundaries of districts as shown on the official zoning maps the following shall apply:</p> <p><b>2311.</b> Where the boundary lines as shown upon said map as approximately following the street lines, of public and private ways or railways, the centerlines of such ways shall be the boundary lines.</p> <p><b>2312.</b> Where the boundary lines are shown approximately on the location of property lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.</p>	<b>4.2.1.</b>	<p><b>Interpretation of District Boundaries</b></p> <p>The location of district boundaries shown on the Zoning Map shall be determined as follows:</p> <p>A. Where the district boundary lines as shown on the map as approximately following the street lines, of public and private ways or railways, the centerlines of such ways shall be the boundary lines.</p> <p>B. Where the district boundary lines are shown approximately on the location of property lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall</p>

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	<p><b>2313.</b> Boundary lines located outside of street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street lines are the distance in feet of such boundary lines from such street lines; such distances being measured at right angles to such street lines unless otherwise indicated.</p> <p><b>2314.</b> In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of the map.</p> <p><b>2315.</b> Where the district boundary line follows a stream, lake or other body of water, said boundary line shall be construed to be at the thread or channel of the stream; or at the limit of the jurisdiction of the Town of Tewksbury, unless otherwise indicated.</p> <p><b>2316.</b> Where a district boundary line divides any lot existing at the time such line is adopted, the regulations of any district in which the lot has frontage on a street may be extended not more than twenty (20) feet into the other district.</p> <p><b>2317.</b> Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances not covered by the above subsections, the Tewksbury</p>		<p>be the boundary lines.</p> <p>C. District boundary lines located outside of street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines. Dimensions shown in figures on the map between boundary lines and street lines are the distance in feet between them; such distances being measured at right angles to the street lines unless otherwise indicated.</p> <p>D. In all cases not covered by other provisions of this Section 4.2.1, the location of district boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of the map.</p> <p>E. Where the district boundary line follows a stream, lake or other body of water, the boundary line shall be construed to be at the thread or channel of the stream; or at the limit of the jurisdiction of the Town of Tewksbury, unless otherwise indicated.</p> <p>F. Where a district boundary line divides any lot existing at the time the line is adopted, the regulations of any district in which the lot has frontage on a street may be extended not more than 20 feet into the other district.</p> <p>G. Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be determined by the Building</p>
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	<p>Planning Board shall interpret the district boundaries.</p> <p><b>2318.</b> The Commercial District along Main Street shall extend from the Lowell line to the Wilmington line, Two hundred &amp; Ninety-one (291') feet deep along each side of Main Street, where the frontage of a lot of land is on Main Street. (Unless otherwise zoned).</p> <p><b>[p.13]</b></p>		<p>Commissioner, provided, however, that any person aggrieved by his decision may appeal to the ZBA.</p> <p><b>[pp.29, 30]</b></p> <p><i>[2318 is not necessary since the zoning map includes all parcels on Main Street being in their respective districts---no split zone parcels]</i></p>
<b>2320</b>	<p><b>Rules for interpretation of overlay zoning district boundaries.</b> When the following overlay districts, TCOD, VROD, VMUOD, SVOD, and CVOD, include a lot of which the underlying zoning is split among two (2) or more districts and there is an application for an overlay district use, the requirements of the overlay district shall apply to the entire lot.</p> <p><b>[p.14]</b></p>		<p><i>[2320 is not necessary due the identified overlay districts not being in this draft].</i></p>
	<b>SECTION 3000. USE REGULATIONS</b>	<b>5.</b>	<b>DISTRICT REGULATIONS</b>
<b>3100</b>	<p><b>PRINCIPAL USES.</b> No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Schedule, or as otherwise set forth herein, or as exempted by General Laws. The expressed intent of this section is to mean that unless expressly permitted the use is hereby prohibited.</p> <p><b>[p.14]</b></p>	<b>5.1</b>	<p><b>GENERAL PROVISIONS</b></p> <p>No building or structure shall be erected and no building, structure, land, or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.</p> <p><b>[p.30]</b></p>
<b>3105</b>	<p><b>PROHIBITED USES.</b> The following uses are expressly prohibited in all districts. The list provided as</p>	<b>5.4.2</b>	<p><b>Prohibited Uses</b></p> <p>A. Any use not listed in Section 5, Appendix A, or</p>

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<p>prohibited uses is not an exhaustive list and any use that is not expressly permitted is expressly prohibited.</p> <ul style="list-style-type: none"> <li>a) Garbage and refuse incineration or disposal otherwise of material not originating on the premises;</li> <li>b) Distillation of bones, rendering of fat or reduction of animal matter;</li> <li>c) Manufacturing of glue; oil refining; bulk storage of petroleum products;</li> <li>d) Foundries, manufacture of large machine parts, metal working;</li> <li>e) Tanneries;</li> <li>f) Manufacture of cement products and cement mixing;</li> <li>g) Processing, storage and distribution of asphalt products;</li> <li>h) Sorting, baling and storage of waste paper, rags or junk;</li> <li>i) The dismantling of motor vehicles;</li> <li>j) Slaughterhouses;</li> <li>k) Sand, gravel and stone processing plants;</li> <li>l) Trailer parks and mobile homes;</li> <li>m) Airports;</li> <li>n) Solid waste resource recovery facility, recycling, waste transfer stations;</li> <li>o) Piggeries; [except in the Farming District as per AG 12/23/03 Case # 2713]</li> <li>p) Transportation or freight terminals.</li> <li>q) Truck stops.</li> </ul> <p><b>[p.14]</b></p>	<p>otherwise allowable under the provisions of this Bylaw shall be deemed prohibited.</p> <ul style="list-style-type: none"> <li>B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.</li> <li>C. The following uses are specifically prohibited:             <ul style="list-style-type: none"> <li>1. Garbage and refuse incineration or disposal otherwise of material not originating on the premises.</li> <li>2. Distillation of bones, rendering of fat or reduction of animal matter.</li> <li>3. Manufacturing of glue; oil refining; bulk storage of petroleum products.</li> <li>4. Foundries, manufacture of large machine parts, metal working.</li> <li>5. Tanneries.</li> <li>6. Manufacture of cement products and cement mixing.</li> <li>7. Processing, storage and distribution of asphalt products;</li> <li>8. Sorting, baling and storage of waste paper, rags or junk.</li> <li>9. The dismantling of motor vehicles.</li> <li>10. Slaughterhouses.</li> <li>11. Custom Slaughterhouses that are not exempt from regulation under 105 CMR 500.000.</li> <li>12. Sand, gravel and stone processing plants.</li> <li>13. Trailer parks and mobile homes.</li> <li>14. Airports.</li> <li>15. Solid waste resource recovery facility, recycling, waste transfer stations.</li> </ul> </li> </ul>
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			<p>16. Piggeries. [except in the Farming District as per AG 12/23/03 Case # 2713]</p> <p>17. Transportation or freight terminals.</p> <p>18. Truck stops.</p> <p>19. Marijuana Retailers. Consistent with G.L. c. 94G, § 3(a)(2), all types of marijuana retailers as defined in G.L. c. 94G, § 1, including all types of licensed marijuana retail-related businesses, shall be prohibited.</p> <p><b>[pp. 37, 38]</b></p>
3110	<p><b>Symbols.</b> Symbols employed in the Table of Use Regulations shall mean the following:</p> <p>Y - Permitted as of right</p> <p>N - Prohibited</p> <p>SP - Special Permit/Board of Appeals</p> <p>PB - Special Permit/Planning Board</p> <p>BOS - Special Permit/Board of Selectmen</p> <p>ACC - Accessory Use Only</p> <p>PB(1) - Westside Neighborhood Business District – Special Permit/Planning Board Westerly side of Woburn Street and Parcels of land on the Easterly side of Woburn Street that abut the Town of Billerica/Town of Tewksbury Town Line and Parcels that are immediate abutters to said Parcels only.</p> <p>Y(1) - Westside Neighborhood Business District – Permitted use of right Westerly side of Woburn Street and Parcels of land on the Easterly side of Woburn Street that abut the Town of Billerica/Town of Tewksbury Town Line and Parcels that are immediate abutters to said</p>		<p><b>SECTION 5.4.3 TABLE USES NOTES 1 and 2:</b></p> <p>(1) Many of the uses classified as “Y” may require Site Plan Review under Section 3.6 prior to issuance of a building permit. (2) Legend: Y = permitted as of right (but may be subject to Site Plan Review); PB = Planning Board special permit; SP = ZBA special permit.</p> <p><b>[Appendix A]</b></p>

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	Parcels only. <b>[pp.14,15]</b>		
<b>3120</b>	<p><b>If Classified Under More than One Use.</b> Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.</p> <p><b>3121.</b> Where classified as a Major Commercial Project, that classification shall govern and the Planning Board shall be the Special Permit Granting Authority.</p> <p><b>[p.15]</b></p>	<b>5.4.4</b>	<p><b>Classification under More than One Use</b></p> <p>Where an activity may be classified as more than one of the principal uses listed in the Table of Uses. The more specific classification shall determine permissibility. If equally specific, the more restrictive shall govern.</p> <p><b>[p.38]</b></p> <p><i>[3121 not in proposed draft because there is no longer a use identified as “Major Commercial Project”]</i></p>
<b>3130</b>	<p><b>Table of Use Regulations.</b> See Appendix A.</p> <p><b>3131.</b> Where an MFD zone is contiguous to a commercial zone, the operation of a Bed and Breakfast is allowed subject to a special permit from the Planning Board.</p> <p><b>[p.15]</b></p>	<b>5.4.3</b>	<p><b>Table of Uses:</b> See Appendix A for the Table of Uses for all districts.</p> <p><b>[p.38]</b></p>
	<b>3200. ACCESSORY USES</b>	<b>5.4.5</b>	<p><b>Accessory Uses and Structures; General</b></p> <p><b>[p.38]</b></p>
<b>3210</b>	<p><b>Nonresidential Accessory Uses.</b> Any use permitted as a principal use is also permitted as an accessory use, unless allowed elsewhere in this By-Law, provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to</p>	<b>5.4.5. C</b>	<p><b>Nonresidential accessory uses.</b></p> <ol style="list-style-type: none"> <li>1. Any use permitted as a principal use is also permitted as an accessory use, unless allowed elsewhere in this Bylaw, provided the use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit</li> </ol>

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	the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 9500, shall also require site plan review and approval. <i>[p. 15]</i>		provided the use is customarily incidental to the main or principal building or use of the land. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where Site Plan Review is required for a principal use, the addition of any new accessory use to the principal use, where the addition exceeds the thresholds in Section 3.4 shall also require Site Plan Review.  <i>[p.39]</i>
3220	<p><b>Permitted Accessory Uses.</b> The following accessory uses are specifically permitted as of right or by special permit:</p> <p><b>3221.</b> Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Planning Board provided that the Board finds that the proposed use does not substantially derogate from the public good.</p> <p><b>3222.</b> Reserved.</p> <p><b>3223.</b> Family Day Care Homes. Small family day care homes, with not more than six nonresident children served on the premises, are allowed as an accessory use as of right in all districts. Larger family day care homes registered with and licensed by the Commonwealth of Massachusetts Office of Children are allowed in all districts only upon the issuance of a special permit by the</p>	5.4.5	<p><b>Accessory Uses and Structures; General</b></p> <p><b>A.</b> An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.</p> <p><b>B.</b> Permitted accessory uses. The following accessory uses are specifically permitted as of right or by special permit in any district:</p> <ol style="list-style-type: none"> <li>1. Accessory scientific uses. Whether or not located on the same parcel as activities permitted as a matter of right, uses that are necessary in connection with scientific research or scientific development or related production may be allowed by special permit from the Planning Board provided the Board finds that the proposed use does not substantially derogate from the public good.</li> <li>2. Boarders in single-family dwelling. The renting of rooms or furnishing of board to not more than two people in an owner-occupied single-family dwelling shall be a permitted accessory use.</li> </ol>

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	<p><b>Board of Appeals.</b></p> <p><b>3224.</b> Animals accessory to dwellings. Animals kept as an accessory use at a residence shall conform to the regulations of the Tewksbury Board of Health.</p> <p><b>3225.</b> Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than two persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to more than two persons in a single-family dwelling by the owner/occupant thereof shall be deemed a boarding house, which is prohibited in all zoning districts.</p> <p><b>3226.</b> The outdoor display and/or storage of goods and merchandise for sale is permitted only when such display and/or storage is wholly incidental and secondary to the primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks or public ways. No additional signs are permitted except as otherwise provided herein.</p> <p><i>[pp.15-16]</i></p>		<p><b>[p.38]</b></p> <p><i>[3223 Family Day Care Homes is now covered in the use table]</i></p> <p><i>[3224 animals are not a zoning issue and are covered by Board of Health regulations]</i></p>
		<b>5.4.5.C</b>	<p>2. The outdoor display and/or storage of goods and merchandise for sale is permitted only when the display and/or storage is wholly incidental and secondary to the primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks or public ways. No additional signs are permitted except as otherwise provided herein.</p> <p><b>[p.39]</b></p>
<b>3230</b>	<p><b>Prohibited Accessory Uses.</b> The following accessory uses are prohibited:</p> <p><b>3231.</b> Unregistered vehicles. Accessory use of any premises and in any zone shall not be construed to mean more than one (1)</p>	<b>5.4.5.D</b>	<p><b>Prohibited accessory uses.</b> The following accessory uses are specifically prohibited.</p> <p>2. Accessory use of any premises and in any zone shall not be construed to mean more than one (1) unregistered vehicle and no more than one unregistered vehicle may</p>

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	<p>unregistered vehicle and no more than one (1) unregistered vehicle may be placed, parked or maintained on any property in the Town of Tewksbury in any zone, unless the owner of such property has a Class I, II or III license in accordance with M.G.L. c. 140, ss. 57-69 inclusive. No unregistered motor vehicle may be stored or maintained upon any premises within fifty (50) feet from a street, public way or way laid out on a recorded plan. The Board of Appeals may, by special permit, vary these requirements.</p> <p><b>3232.</b> Mobile homes or trailers. No corporation, person or persons, owners, lessees or other person in control of a trailer, trailer coach, trailer coach parks, mobile home or other closed vehicle furnished for housekeeping and designed to be pulled behind another vehicle shall cause the same to be placed upon any premises in any district within the Town. Provided, however, in cases of emergency where a person or persons dwelling has become uninhabitable because of fire, hurricane, flood or other disaster, a mobile home or trailer home may be permitted on such premises for a period not to exceed twelve (12) months for the purpose of allowing such person or persons to live in while rebuilding or reconstructing their dwelling. Any such mobile home shall be subject to the provisions of the State and local sanitary codes and further provided, however, the Building Commissioner may grant permission to locate upon construction sites a mobile home or trailer home for use as an office without hearing for a period not to exceed</p>		<p>be placed, parked or maintained on any property in the Town of Tewksbury in any zone, unless the owner of such property has a Class I, II or III license in accordance with G.L. c. 140, §§ 57-69 inclusive. No unregistered motor vehicle may be stored or maintained upon any premises within 50 feet from a street, public way or way laid out on a recorded plan. The Board of Appeals may, by special permit, vary these requirements.</p> <p>3. No trailer, trailer coach, trailer coach parks, mobile home, or other closed vehicle furnished for housekeeping and designed to be pulled behind another vehicle shall cause the same to be placed upon any premises in any district in Tewksbury except when a residence destroyed by fire or natural disaster is being rebuilt in accordance with G.L. c.40A, § 3. However, nothing in this section shall prevent the Building Commissioner from granting permission to locate a mobile home or trailer home on a construction site for use as a temporary office for not more than six months. A recreational camper or mobile trailer used only for recreational purposes is a permitted accessory residential use provided that it shall not be inhabited or used as a dwelling.</p> <p><b>[p.39]</b></p>
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	<p>six months, and further, provided, recreational campers and mobile trailers used only for recreational purposes shall be exempt from this section, but in no instance may such be inhabited or used as a dwelling.</p> <p><b>[p.16]</b></p>		
	<p><b>3233.</b> Where <i>accessory</i> to a principal residential use, the following are prohibited:</p> <ul style="list-style-type: none"> <li>a. Commercial kennels;</li> <li>b. Contractor's yard for the storage of building materials, equipment, and/or commercial vehicles over 10,000 pounds;</li> <li>c. Commercial landscaping equipment, materials, supplies, and/or commercial vehicles over 10,000 pounds;</li> <li>d. Commercial auto repair or service.</li> </ul> <p><b>[p.16]</b></p>	<b>5.4.5.D</b>	<p>4. Where accessory to a principal residential use, the following are prohibited:</p> <ul style="list-style-type: none"> <li>a. Commercial kennels;</li> <li>b. Contractor's yard for the storage of building materials, equipment, and/or commercial vehicles over 10,000 pounds;</li> <li>c. Commercial landscaping equipment, materials, supplies, and/or commercial vehicles over 10,000 pounds;</li> <li>d. Commercial auto repair or service.</li> </ul> <p><b>[p.39]</b></p>
	<b>3300. HOME OCCUPATIONS</b>	<b>7.2</b>	<b>HOME OCCUPATION</b>
<b>3310</b>	<p><b>Home Occupation - As of Right.</b> A home occupation may be allowed as of right, provided that it:</p> <p><b>3311.</b> is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;</p> <p><b>3312.</b> is clearly incidental and secondary to the use of the premises for residential purposes;</p> <p><b>3313.</b> does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;</p> <p><b>3314.</b> does not utilize exterior storage of material</p>		<p>A. In any Residential district, a customary home occupation, incidental to the principal residential use, is permitted as of right only if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>1. No nonresident shall be employed therein;</li> <li>2. There shall be no stock in trade kept nor commodities sold on the premises except for goods produced by the owner of the business or by immediate family members residing on the premises;</li> <li>3. Not more than 25 percent of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted</li> </ul>

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	<p>or equipment (including the parking of commercial vehicles);</p> <p><b>3315.</b> does not exhibit any exterior indication of its presence or any variation from residential appearance;</p> <p><b>3316.</b> does not produce any customer, pupil, client, or delivery trips to the occupation site and has no nonresident employees;</p> <p><b>3317.</b> is registered as a business with the Town Clerk.</p> <p><i>[pp.16, 17]</i></p>		<p>to such use;</p> <p>4. There shall be no display of goods or wares visible from the street;</p> <p>5. All advertising devices visible from off the lot are specifically prohibited;</p> <p>6. No equipment, machinery, or materials other than types normally found in or compatible with a dwelling shall be allowed;</p> <p>7. The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure;</p> <p>8. Any such building shall include no feature of design not customary in buildings for residential use; and,</p> <p>9. The minimum required parking for the residential use shall not be reduced or made unusable by the home occupation.</p> <p><i>[p.79]</i></p>
<b>3320</b>	<p><b>Home Occupation - By Special Permit.</b> A home occupation may be allowed by special permit issued by the Board of Appeals, provided that it:</p> <p><b>3321.</b> fully complies with Sections 3312, 3313, 3314, and 3317, above.</p> <p><b>3322.</b> is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than one additional employee;</p>		<p><b>B. Home Occupation by Special Permit.</b> A home occupation may be allowed by special permit issued by the Board of Appeals, provided that it:</p> <p>1. Fully complies with subsections (A)(4), (A)(6), and (A)(7) above;</p> <p>2. Is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than one additional employee;</p>

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	<p><b>3323.</b> does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 5200;</p> <p><b>3324.</b> a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall be limited to five years, or the transfer of the property, whichever first occurs. <i>[p.17]</i></p>		<p>3. Does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in conformance with Section 6.2.</p> <p>4. A special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall be limited to five years, or the transfer of the property, whichever first occurs. <i>[pp. 79]</i></p>
	<b>3400. FAMILY SUITE</b>	<b>7.1</b>	<b>FAMILY SUITE</b>
	<p>3410. Family Suite. A Family Suite is allowed as an accessory use, attached to a single family dwelling in R40, R80, FA, TR and LB zones including Cluster Developments, in accordance with the below listed (1-17) requirements. Except as noted, these requirements are not subject to relief through a variance.</p> <p>(1) A Family Suite that contains not more than 800 square feet of floor area, nor more than one (1) bedroom, may be allowed as of right, or, at the option of the Owner, may be allowed by special permit from the Planning Board.</p> <p>(2) A Family Suite may be enlarged to a maximum floor area not to exceed 1,000 feet upon the</p>		<p>A Family Suite is allowed as an accessory use in a single-family dwelling in R40, F, TD, MF and VR districts in accordance with the following requirements. Except as noted, these requirements are not subject to relief through a variance.</p> <p>A. A family suite may have a maximum floor area not to exceed 1000 square feet upon approval by the Planning Board through Site Plan Review.</p> <p>B. Common entries and open decks shall not be included in the square footage calculation of the family suite.</p> <p>C. A family suite can have a maximum of two bedrooms.</p> <p>D. The family suite shall be contiguous with the single-family dwelling with direct access or connected</p>



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	<p>issuance of a Special Permit by the Planning Board.</p> <p>(3) Common entries and open decks shall not be included in the square footage calculation of the Family Suite.</p> <p>(4) A Family Suite shall not contain more than one (1) bedroom, unless a Special Permit for a second bedroom is issued by the Planning Board prior to occupancy. In no case shall a Family Suite have more than two (2) bedrooms.</p> <p>(5) The Family Suite shall be contiguous with the single family dwelling with direct access or connected with a common closed entry.</p> <p>(6) The Family Suite shall not have its own front door, however, it may have a side or rear exit with an open deck and egress.</p> <p>(7) Any structural addition of a Family Suite must meet all front, side and rear setbacks and lot coverage requirements for the zone unless variances are granted by the Tewksbury Zoning Board of Appeals in accordance with MGL § 40A.</p> <p>(8) No more than three (3) related persons shall occupy the Family Suite.</p> <p>(9) A minimum of one additional off-street parking space shall be provided, however, a separate driveway is not permitted.</p> <p>(10) Annual Certification by notarized affidavit shall be provided to the Building Commissioner that the owner of the property, except for bona fide temporary absence, occupies one of the two dwelling units as a</p>		<p>with a common closed entry.</p> <p>E. The family suite shall not have its own front door, however, it may have a side or rear exit with an open deck and egress.</p> <p>F. Any structural addition of a family suite must meet all front, side, and rear setbacks and lot coverage requirements for the district unless variances are granted by the ZBA in accordance with G.L. c. 40A, § 10.</p> <p>G. No more than three related persons shall occupy the family suite.</p> <p>H. A minimum of one additional off-street parking space shall be provided, but a separate driveway is not permitted.</p> <p>I. Annual certification by notarized affidavit shall be provided to the Building Commissioner that the owner of the property, except for bona fide temporary absence, occupies one of the two dwelling units as a primary residence. Failure to provide a certified affidavit on an annual basis shall be sufficient cause for the Planning Board to revoke Site Plan Review. In the case of a family suite unit approved as of right, failure to provide a certified affidavit on an annual basis shall represent sufficient cause for the Building Commissioner to issue a Notice of Zoning Violation to the owner and to undertake such remedial action as the Building Commissioner may determine is necessary.</p> <p>J. The property with a family suite must comply with Title V of the State Environmental Code. Hook-up to Town sewer shall be required if the service is available and, if not, as soon as Town sewer becomes available.</p>
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	<p>primary residence. In the case of a Family Suite Unit approved by special permit, failure to provide a certified affidavit on an annual basis shall represent sufficient cause for the Planning Board to revoke any special permit approved by it. In the case of a Family Suite Unit approved as of right, failure to provide a certified affidavit on an annual basis shall represent sufficient cause for the Building Commissioner to issue a Notice of Zoning Violation to the said owner and to undertake such remedial action as the Building Commissioner may, in his discretion, determine.</p> <p>(11) The Family Suite shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). The Family Suite shall be required to hook-up to town sewer if available and, if not, as soon as town sewer is available.</p> <p>(12) Only one Family Suite may be constructed onto any dwelling.</p> <p>(13) In the case of a Family Suite Unit approved by special permit, the Planning Board may impose such conditions on the special permit as it may deem appropriate to satisfy the Town's interest in limiting the number and degree of persons who may occupy a Family Suite Unit at any one time, together with such other conditions as it may deem appropriate, if any, including but limited to, provisions</p>		<p>K. Only one family suite may be constructed in any dwelling.</p> <p>L. The Planning Board may impose any conditions it deems appropriate to satisfy the Town's interest in limiting the number and degree of persons who may occupy a family suite at any one time, together with such other conditions as it may deem appropriate, if any, including but limited to, provisions calling for the termination of the special permit and all rights granted thereunder in the event of a foreclosure sale of the premises for which the special permit has been granted by a mortgagee or any lien holder of record with priority over the special permit.</p> <p>M. Notwithstanding anything else contained in the Zoning Bylaw to the contrary, if the owner or a child of the owner has a disability and requires assistance with Activities of Daily Living (ADLs), the family suite may be occupied by a personal care attendant who need not be related to the owner. In such case, a letter from a licensed physician, verifying the disability and the need for assistance with ADLs shall be submitted to the Building Commissioner.</p> <p>N. The Planning Board may impose such special conditions, safeguards, and limitations on time and use as it deems appropriate.</p> <p><b>[pp.78, 79]</b></p>
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	<p>calling for the termination of the Special Permit and all rights granted thereunder in the event of a foreclosure sale of the premises for which the Special Permit has been granted by a Mortgagee or any lien holder of record with priority over said Special Permit.</p> <p>(14) In the case of a Family Suite Unit as of right, Subordination Agreements (as required) and Restriction Agreements shall be completed by the applicant, submitted to the Building Commissioner, then approved and recorded at the Middlesex North Registry of Deeds by Town Counsel</p> <p>(15) Notwithstanding anything else contained herein to the contrary, nothing herein shall be construed as to require a Family Suite to be under its own roof.</p> <p>(16) Notwithstanding anything else contained in the Zoning By-Law to the contrary, if the owner, or a child of the owner, is disabled and requires assistance with Activities of Daily Living (ADL's) then the other dwelling unit may be occupied by a Personal Care Attendant (P.C.A.) who need not be related to the owner In such case, a letter from a licensed physician, verifying the disability and the need for assistance with ADL's is to be submitted to the Building Commissioner.</p> <p>(17) The Planning Board may impose such special conditions, safeguards and limitations on time and use as it deems appropriate.</p> <p><b>[pp.17-19]</b></p>		
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	<p>diameter may be authorized by special permit from the Board of Appeals.</p> <p><b>b.</b> The satellite dish shall be permanently mounted on the ground on a concrete slab or piers and set back from lot lines as an accessory structure in conformance with this By-Law;</p> <p><b>c.</b> The manufacturer or a structural engineer shall certify to the Building Department that the satellite dish and its support is satisfactory to withstand wind speeds to 100 miles per hour without being carried away;</p> <p><b>d.</b> The antenna and its base shall not be located in the front yard or within 50 feet of any public way.</p> <p><b>e.</b> For lots 20,000 square feet or less, the Building Commissioner shall require screening such as fences or shrubs where the antenna is visible from abutting lots.</p> <p><b>3514.</b> Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of this Zoning By-Law.</p> <p><i>[p.19]</i></p>	5.3.1.E	<p>the ZBA.</p> <p><b>b.</b> The satellite dish shall be permanently mounted on the ground on a concrete slab or piers and set back from lot lines as an accessory structure in conformance with this Bylaw;</p> <p><b>c.</b> The manufacturer or a structural engineer shall certify to the Building Department that the satellite dish and its support is satisfactory to withstand wind speeds to 100 miles per hour without being carried away;</p> <p><b>d.</b> The antenna and its base shall not be located in the front yard or within 50 feet of any public way.</p> <p><b>e.</b> For lots 20,000 square feet or less, the Building Commissioner shall require screening such as fences or shrubs where the antenna is visible from abutting lots.</p> <p><i>[p.39]</i></p> <p><b>6.</b> Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of this Bylaw.</p> <p><i>[p.33]</i></p>
3520	<p><b>Prohibited Accessory Structures.</b> The following accessory structures are prohibited in all districts:</p> <p><b>3521.</b> A "truck box" shall not be deemed to constitute a permissible accessory structure or use.</p> <p><b>3522.</b> A "conex box" shall not be deemed to</p>	5.4.5.D	<p><b>1.</b> A "truck box", "conex box", or steel storage unit shall not be deemed a permissible accessory structure or use.</p> <p><i>[p.39]</i></p>

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	<p>constitute a permissible accessory structure or use.</p> <p><b>3523.</b> A steel storage unit shall not be deemed to constitute a permissible accessory structure or use.</p> <p><i>[pp.19, 20]</i></p>		
<b>3600</b>	<b>NONCONFORMING USES AND STRUCTURES</b>	<b>8.1</b>	<b>NONCONFORMING USES AND STRUCTURES</b>
	<p><b>3610. Applicability.</b> This Zoning By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, s. 5 at which this Zoning By-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder. <i>[p.20]</i></p>	<b>8.1.1.A</b>	<p><b>Applicability</b></p> <p>This Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, § 5 on this Zoning Bylaw, or any relevant part thereof. Lawfully pre-existing nonconforming uses and structures may continue, provided that no modification of the use or structure shall be allowed unless authorized under this Section 8.1.</p> <p><i>[p.86]</i></p>
	<p><b>3620. Nonconforming Uses.</b> The Board of Appeals may issue a special permit to extend a nonconforming use in only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The Board of Appeals shall not allow an existing nonconforming use to be changed to another nonconforming use. <i>[p.20]</i></p>	<b>8.1.1.B</b>	<p><b>Nonconforming Uses.</b> The ZBA may issue a special permit to extend a nonconforming use only if it determines that the change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The ZBA shall not allow an existing nonconforming use to be changed to another nonconforming use.</p> <p><i>[p.86]</i></p>
	<p><b>3630. Nonconforming Structures.</b> The Board of Appeals may issue a special permit to reconstruct, extend, alter, or change a nonconforming structure</p>	<b>8.1.1.C</b>	<p><b>Nonconforming Structures.</b> The ZBA may issue a special permit to reconstruct, extend, alter, or change a nonconforming structure only if it determines that such</p>

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	only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.  <b>[p.20]</b>		reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.  <b>[p.86]</b>
	<b>3640. Variance Required.</b> The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals; provided, however, that this provision shall not apply to nonconforming single and two family residential structures, which shall be governed by Section 3650, below. <b>[p.20]</b>	<b>8.1.1.D</b>	<b>Variance Required.</b> The reconstruction, extension, or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the ZBA; provided, however, that this provision shall not apply to nonconforming single-family and two-family residential structures, which shall be governed by Section 8.1.2 below.  <b>[p.86]</b>
	<b>3650. Pre-Existing Nonconforming Single and Two Family Residential Structures.</b> Pre-Existing Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon the issuance of a building permit after a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following five (5) conditions shall not be deemed to increase the nonconforming nature of said structure and shall be used in the Building Commissioner's determination. <b>1.</b> Any reconstruction, extension, alteration or change to a structure which complies with all current setback, yard, building coverage, and	<b>8.1.2.A</b>	<b>Pre-Existing Nonconforming Single and Two Family Residential Structures</b> Pre-Existing Nonconforming single-family and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon the issuance of a building permit if the Building Commissioner determines that the proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of the structure. The following five conditions shall not be deemed to increase the nonconforming nature of a single-family or two-family residential structure and shall be used in the Building Commissioner's determination. <b>1.</b> Any reconstruction, extension, alteration, or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with

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<p>building height requirements but is located on a lot with insufficient area, where the reconstruction, extension or alteration or change will also comply with all of said current requirements.</p> <p><b>2.</b> Any reconstruction, extension, alteration or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the reconstruction, extension or alteration or change will also comply with all of said current requirements.</p> <p><b>3.</b> Any reconstruction, extension, alteration or change to a structure which encroaches upon one or more required yard or setback areas, where the reconstruction, extension or alteration or change will comply with all current setback, yard, building coverage and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.</p> <p><b>4.</b> Any extension, alteration or change to the side or face of a structure which encroaches upon a required yard or setback area, where the extension or alteration or change will not encroach upon such area to a distance greater than the existing structure; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements. The setbacks for this provision shall not be less than 25ft. front and 10ft. side and rear.</p> <p><b>5.</b> Any extension, alteration or change to a nonconforming structure which will not increase</p>	<p>insufficient area, where the reconstruction, extension, or alteration or change will also comply with all of current requirements of this Bylaw.</p> <p><b>2.</b> Any reconstruction, extension, alteration, or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the reconstruction, extension, or alteration or change will also comply with all current requirements of this Bylaw.</p> <p><b>3.</b> Any reconstruction, extension, alteration, or change to a structure which encroaches upon one or more required yard or setback areas, where the reconstruction, extension or alteration or change will comply with all current setback, yard, building coverage, and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.</p> <p><b>4.</b> Any extension, alteration, or change to the side or face of a structure which encroaches upon a required yard or setback area, where the extension or alteration or change will not encroach upon such area to a distance greater than the existing structure; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements. The setbacks for this provision shall not be less than 25 feet on the front and 10 feet on the side and rear.</p> <p><b>5.</b> Any extension, alteration, or change to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.</p>
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	the footprint of the existing structure provided that existing height restrictions shall not be exceeded. The setbacks for this provision shall not be less than 25ft. front and 10ft. side and rear. <i>[pp.20, 21]</i>		The setbacks for this provision shall not be less than 25 feet on the front and 10 feet on the side and rear. <i>[pp.86,87]</i>
	<b>3651.</b> In the event that the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. <i>[p. 21]</i>	<b>8.1.2.B</b>	If the Building Commissioner determines that the nonconforming nature of the structure would be increased by the proposed reconstruction, extension, alteration, or change, the ZBA may allow the proposed reconstruction, extension, alteration, or change if it finds that the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. <i>[p.87]</i>
	<b>3660. Abandonment or Non-Use.</b> A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Zoning By-law. <i>[p. 21]</i>	<b>8.1.4</b>	<b>Abandonment or Non-Use</b> A. A nonconforming use or structure which has been abandoned or not used for a period of two years, shall lose its protected status and be subject to all provisions of this Zoning Bylaw. B. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use. <i>[p.87]</i>
	<b>3670. Reconstruction after Catastrophe or Demolition.</b> A nonconforming structure may be	<b>8.1.5</b>	<b>Reconstruction after Catastrophe or Demolition</b> A nonconforming structure may be reconstructed after a

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	reconstructed after a catastrophe or after demolition, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure or provided that the building meets all applicable requirements for yards, setback, and height. In the event that the proposed reconstruction would cause the structure to exceed the volume or area of the original nonconforming structure or exceed applicable requirements for yards, setback, and/or height, a special permit shall be required from the Board of Appeals. <i>[p. 21]</i>		catastrophe or after demolition, provided that the owner shall apply for a building permit and start operations for reconstruction on the premises within two years after the catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure or provided that the building meets all applicable requirements for yards, setback, and height. In the event that the proposed reconstruction would cause the structure to exceed the volume or area of the original nonconforming structure or exceed applicable requirements for yards, setback, and/or height, a special permit shall be required from the ZBA. <i>[p.87]</i>
	<b>3680. Reversion to Nonconformity.</b> No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use. <i>[p. 21]</i>	<b>8.1.6</b>	<b>Reversion to Nonconformity</b> No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use. <i>[p.87]</i>
	<b>SECTION 4000. DIMENSIONAL REGULATIONS</b>	<b>5</b>	<b>DISTRICT REGULATIONS</b>
<b>4100</b>	<b>GENERAL.</b> No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute. <i>[p.22]</i>	<b>5.1</b>	<b>GENERAL PROVISIONS</b> No building or structure shall be erected and no building, structure, land, or water area shall be used for any purpose or in any manner except in accordance with this Bylaw. <i>[p.30]</i>
<b>4110</b>	<b>One Structure per Lot.</b> Except as otherwise provided herein, not more than one principal structure may be placed on any lot. <i>[p. 22]</i>	<b>5.3</b> <b>5.3.1.A</b>	<b>COMMUNITY DESIGN, DIMENSIONAL, AND DENSITY REQUIREMENTS</b> <b>General Requirements</b> 1. Except as otherwise provided in this Bylaw, not more

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			than one principal structure may be placed on any lot. <b>[p.32]</b>
	<p><b>Change of Lot.</b> No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, or utility improvements or except where otherwise permitted herein, so as to create a nonconformity or increase the degree of nonconformity that presently exists. If land is subdivided, conveyed, devised or otherwise transferred in violation hereof, no building or other permit shall be issued with reference to said transferred land until the lot retained meets the requirements of this By-Law.</p> <p><b>[p. 22]</b></p>		<p>3. No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, or utility improvements or except where otherwise permitted herein, so as to create a nonconformity or increase the degree of nonconformity that presently exists. If land is subdivided, conveyed, or otherwise transferred in violation of this Section 5, no building or other permit shall be issued for the transferred land until the lot retained meets the requirements of this Bylaw.</p> <p><b>[p.32]</b></p>
4130	<p><b>Table of Dimensional Requirements.</b> See Appendix B.</p> <p><b>4131.</b> Lots of 10,000 square feet or less upon which the existing primary residence was erected prior to March 18, 1992, may reduce the fifteen foot (15') side and rear setback requirement to ten feet (10') providing proof is submitted to the Building Commissioner that the lot existed prior to the acceptance of Master Zoning (March 18, 1992.)</p> <p><b>4132.</b> Pre-existing non-conforming residential lots (R-40, R-80, TR) of 15,000 square feet or less shall be allowed to have a maximum lot coverage of up to 20%.</p> <p><b>(p. 22)</b></p>	<p><b>5.3.1.A</b></p> <p><b>5.3.2</b></p>	<p>4. Lots of 10,000 square feet or less on which the existing primary residence was erected prior to March 18, 1992, may reduce the 15-foot side and rear setback requirement to 10 feet providing proof is submitted to the Building Commissioner that the lot existed prior to March 18, 1992.</p> <p><b>[p.32]</b></p> <p>Residential Districts Footnote C: For a lawfully preexisting lot with 15,000 square feet or less of land, the maximum building coverage shall be 20 %.</p> <p><b>[p.34]</b></p>
4140	<b>Dimensional Table Interpretation.</b>		

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	<b>4141.</b> The front yard setback shall be measured from any structure to the established street line. All structures on streets less than 40 feet wide shall be 45 feet minimum from the street centerline. Side and rear yards shall be measured from any structure used for a principal use to the nearest lot line, except where the lot line is a street. In this case, the setback shall be as required for front yard setback. <i>[p. 22]</i>	<b>5.3.1.B</b>	1. The front yard setback shall be measured from the front building line of any structure to the street line. 2. Side and rear yards shall be measured from any structure used for a principal use to the nearest lot line, except where the lot line is a street, i.e., a corner lot. In this case, the side setback shall be as required for front yard setback. <i>[p.32]</i>
<b>4142</b>	<b>Accessory Dimensional Requirements.</b> No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard setback. <i>[p. 22]</i>	<b>5.3.1.E</b>	2. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard setback. <i>[p.33]</i>
<b>4143</b>	A detached accessory building or structure shall be located on the same lot and behind the front line of the principal building, provided that not more than twenty-five (25) percent of the required yard area shall be so occupied, and further provided that an accessory structure shall not be located nearer than ten (10) feet from the principal building and at least ten (10) feet from any side or rear lot line. <i>[p. 22]</i>		3. A detached accessory structure shall be located on the same lot and behind the front building line of the principal building; and further, it shall not be located nearer than 10 feet from the principal building and shall be located at least 10 feet from any side or rear lot line. <i>[p.33]</i>
<b>4144</b>	An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building. <i>[p. 22]</i>		4. An accessory building attached to its principal building or within 10 feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building. <i>[p.33]</i>
<b>4145</b>	In all districts, no lot shall be less than forty feet in width in any location except in a portion of the lot where two lines meet at a point. In addition no lot shall have more than one foot of perimeter	<b>5.3.1.A</b>	2. No structure may be constructed on any lot that does not have an area in which a circle, the diameter of which is 80 percent of the minimum lot frontage, tangent to the lot frontage and within all other lot

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	<p>for every "Z" square feet of lot area, where "Z" is determined by the following:</p> <ul style="list-style-type: none"> <li>a. Lot size of one acre or larger, but less than two acres; Z = 39.6</li> <li>b. Lot size two acres or larger, but less than three acres; Z = 55.9</li> <li>c. Lot size three acres or larger, but less than four acres; Z = 68.5</li> <li>d. Lot size four acres or larger, but less than five acres; Z = 79.1</li> <li>e. Lot size five acres or larger, but less than seven acres; Z = 88.4</li> <li>f. Lot size seven acres or larger, but less than ten acres; Z = 104.6</li> <li>g. Lot size ten acres or larger; Z = 125.0</li> </ul> <p><b>[pp. 22, 23]</b></p>		<p>lines, may be located.</p> <p><b>[p.32]</b></p>
<b>4146</b>	<p>The limitations in height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other necessary features usually carried above roofs, nor to towers or spires of churches and other buildings, if such features are in no way used for living purposes; provided, however, that any such features shall be allowed higher than 50 feet only upon the issuance of a special permit from the Board of Appeals. This provision shall not apply to wireless communications facilities under the Federal Telecommunications Act.</p> <p><b>[p.23]</b></p>	<b>5.3.1.C</b>	<p><b>Building Height.</b> The limitations on height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, towers, and other building features usually carried above roofs if these features are not used for living purposes; provided, however, that the ZBA may grant a special permit for features higher than 50 feet. This provision shall not apply to wireless communications facilities under the Federal Telecommunications Act or to spires or steeples associated with a religious use.</p> <p><b>[p.33]</b></p>
<b>4147</b>	<p>On corner lots, no structures, fence, tree or shrub shall prevent vision clearance in the space between two (2) and eight (8) feet above ground and such provisions shall apply to the space between the corner and the line joining the two points fifteen (15)</p>	<b>5.3.1.D</b>	<p><b>Corner Lot Clearance.</b> On corner lots, no structures, fence, tree or shrub shall prevent vision clearance in the space between two and eight feet above ground, and these provisions shall apply to the space between the corner and the line joining the two points 15 feet from the corner,</p>

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	feet from the corner, measured on the lot lines. <b>[p.23]</b>		measured on the lot lines. <b>[p.33]</b>
<b>4148</b>	Not less than 50% of any minimum lot area required in the district the lot is located shall be contiguous uplands as defined by M.G.L. c. 131, s. 40. Proposed structures shall be located on said uplands. <b>[p.23]</b>	<b>5.3.1.A</b>	5. Not more than 50 percent of the required minimum lot area shall be a wetland resource area subject to protection under G.L. c. 131, § 40. Proposed structures shall be located on the upland portion of the lot. <b>[p.32]</b>
<b>4200</b>	<b>SPECIAL DIMENSIONAL REGULATIONS</b>		
<b>4210</b>	<p><b>Commercial District, Heavy Industrial and Heavy Industrial 1 Districts.</b> Structures may be allowed in excess of 35 feet or two and one-half stories in the Commercial District and Heavy Industrial and Heavy Industrial 1 Districts upon the issuance of a special permit from the Planning Board. In no event shall a special permit be issued for structures in excess of 60 feet or 5 stories.</p> <p><b>4211.</b> No automobile sales agency or any retail business establishment catering principally to the automobile trade, shall locate any stands or structures less than 50 feet from any established street line, except for signs as regulated elsewhere in this By-Law. No automobile sales agency or any retail business establishment catering principally to the automobile trade shall locate nor park any motor vehicle(s) less than 15 feet from any property line. <b>[p.23]</b></p>	<p><b>5.3.3.B</b></p> <p><b>5.3.4</b></p> <p><b>5.3.3.B</b></p>	<p>2. Structures may be allowed in the Business Districts in excess of 35 feet or two and one-half stories by special permit from the Planning Board. In no event shall a special permit be issued for structures exceeding 60 feet or 5 stories. <b>[p.35]</b></p> <p>Footnote B: Except that in the I1 and I2 districts, the Planning Board may grant a special permit to increase the maximum building height to five stories and 60 feet. <b>[p.36]</b></p> <p>3. No automobile sales agency or any retail business establishment catering principally to the automobile trade shall locate or park any motor vehicle(s) less than 15 feet from any property line or locate any stands or structures less than 50 feet from any established street line, except for signs as regulated elsewhere in this Bylaw. <b>[p.36]</b></p>
<b>4220</b>	<b>Heavy Industrial District.</b> The minimum side rear-yard setbacks for all buildings shall be fifty (50) feet except where said lots abuts an R40 or R80 Zone in	<b>5.3.4</b>	<b>(Footnote A)</b> Where lots abut the R40 district, the minimum side and rear setback shall be 100 feet.

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	which case the side and rear-yard setbacks shall be one hundred (100) feet minimum; provided, however, that this provision shall not be construed to regulate lots across a public way from lots located in the R40 or R80 Zone.  <i>[p.23]</i>		<i>[p.36]</i>
4230	<p><b>Multiple Principal Structures.</b> Except in the residential districts, more than one principal nonresidential structure may be erected on a lot, pursuant to a special permit issued by the Planning Board in accordance with Section 9300 herein and the following conditions:</p> <p><b>4231.</b> No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;</p> <p><b>4232.</b> All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;</p> <p><b>4233.</b> All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.</p> <p><i>[pp.23, 24]</i></p>	5.3.3.B	<p>4. More than one principal nonresidential structure may be erected on a lot by special permit from the Planning Board, subject to Section 3.4 of this Bylaw and the following conditions:</p> <p>a. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;</p> <p>b. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;</p> <p>c. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.</p> <p><i>[p.36]</i></p>
4240	<b>Single Family Structure Located In Commercial and Industrial Districts.</b> A single-family building designed exclusively for residential occupancy may be allowed in a Commercial (COM) District or Heavy Industrial (HI) District upon the issuance of a special permit from the Planning Board; provided, however, the Planning Board, after hearing and as a condition		<i>[Proposed bylaw does not allow this type of use in Commercial or Industrial Districts—Appendix A Table of Uses]</i>

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	<p>precedent to the granting of such special permit, shall find that the lot in question was in existence and on record on or before the date of adoption of this Section 4240; that said lot was clearly defined; not held in common ownership; and, conformed to the then existing zoning at the time of said recording or endorsement and continues to so conform or is otherwise determined to be legally “non-conforming” by written notification from the Building Commissioner. The provisions of this Section 4240 shall not apply to any lot created by any means whatsoever from and after said date of adoption, meaning and intending that only one (1) single-family building may be constructed on said lot. The dimensional requirements for the proposed single family building as permitted under this section shall comply with the dimensional requirements as listed in Appendix B-Table of Dimensional Requirements for R40 rather than the dimensional requirements of the Commercial or Industrial District in which the lot is located.</p> <p><i>[p.24]</i></p>		
	<b>SECTION 5000. GENERAL REGULATIONS</b>	<b>6</b>	<b>SITE DEVELOPMENT STANDARDS</b>
<b>5100</b>	<p><b>PARKING AND LOADING REQUIREMENTS</b></p> <p><b>5110. General.</b> No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided on site in accordance with this section.</p> <p><b>5111. Change of use.</b> The use of any land or structure shall not be changed from a use</p>	<p><b>6.1</b></p> <p><b>6.1.1</b></p> <p><b>6.1.2</b></p>	<p><b>OFF-STREET PARKING AND LOADING AREA REQUIREMENTS</b></p> <p><b>Purposes</b></p> <p>The purposes of this Section 6.1 are to:</p> <p>A. Provide for safe and convenient vehicular parking areas and delivery areas; and,</p> <p>B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners.</p> <p><b>Applicability</b></p>

Color Code: **Green** - No Comparable Clause**Red** - Deleted in its entirety**Blue** - No Change



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	<p>described in one section of the Schedule of Uses to a use described in another section of the Schedule nor shall any net floor area of the building be increased in any manner unless the number of parking spaces for the new use are provided.</p> <p><b>5112.</b> Undetermined uses. In the case where the use of the building(s) has not been determined at the time of application for a building permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district, which such undetermined use is to be located, shall apply.</p> <p><i>[p.25]</i></p>		<p>A. Required Parking. No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided on site or as otherwise provided in accordance with this section.</p> <p>B. Change of use. The use of any land or structure shall not be changed from a use described in one section of the Appendix A, Table of Uses to a use described in another section of the Table of Uses, nor shall any net floor area of the building be increased in any manner unless the number of parking spaces for the new use are provided.</p> <p>C. Undetermined uses. In the case where the use of the building(s) has not been determined at the time of application for a building permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district where the undetermined use is to be located shall apply.</p> <p>D. <b>Town Center. Where any provisions of this Section 6.1 conflict with Section 6.4, Town Center Development Standards, the latter shall control.</b></p> <p><i>[pp. 51, 52]</i></p>
5120	<p><b>Relief from Parking Regulations by Special Permit from the Planning Board.</b> Should an applicant request relief only from parking requirements, and not under Section 9415 of this Bylaw, the Planning Board, by special permit, may authorize a decrease in the number of parking spaces required hereunder provided that:</p> <p><b>5121.</b> The decrease in the number of parking spaces is no more than 30% of the total number of spaces required hereunder. The waived parking</p>	6.1.5	<p><b>Parking Requirement Relief</b></p> <p>The Planning Board may by special permit authorize a decrease in the number of parking spaces required to be provided under this Section provided that:</p> <p>A. The decrease in the number of parking spaces is no more than 30 percent of the total number of spaces required. The number of parking spaces approved for a decrease shall be set aside and shall not be required to be immediately provided. These spaces shall be labeled</p>

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<p>spaces shall be set aside and shall not be intended for immediate construction. Such spaces shall be labeled as "Reserve Parking" on the site plan.</p> <p><b>5122.</b> Any such decrease in the number of required parking spaces shall be based upon documentation of a special nature of a use or building.</p> <p><b>5123.</b> Reserved</p> <p><b>5124.</b> The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within an area counted as buffer, parking setback or open space.</p> <p><b>5125.</b> The decrease in the number of required spaces will not create undue congestion or traffic hazards and that such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this By-Law.</p> <p><b>5126.</b> If, at any time after the Certificate of Occupancy is issued for the building or use, the Building Commissioner determines that additional parking spaces are needed, the Commissioner shall notify the Planning Board, in writing, of such finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed.</p> <p><b>[p.25]</b></p>	<p>as "Reserve Parking" on the site plan.</p> <p>B. Any decrease in the number of required parking spaces shall be based upon documentation of a special nature of a use or building.</p> <p>C. The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within an area counted as buffer, parking setback, or open space.</p> <p>D. The decrease in the number of required spaces will not create undue congestion or traffic hazards and that relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.</p> <p>E. If, at any time after the Certificate of Occupancy is issued for the building or use, the Building Commissioner determines that additional parking spaces are needed, the Commissioner shall notify the Planning Board, in writing, of that finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed.</p> <p><b>[p. 55]</b></p>
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5130	<p><b>Table of Parking Requirements.</b> Except where a special permit authorizes reduced parking as set forth above, the number of parking spaces shall be as required in the Table of Parking Requirements, Appendix C.</p> <p><b>5131.</b> Comparable use requirement. Where a use is not specifically included in the Schedule of Uses, it is intended that the regulations for the most nearly comparable use specified shall apply.</p> <p><b>5132.</b> Mixed use requirement. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each area of use, so that adequate space shall be provided to accommodate the cars of all persons on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times.</p> <p><i>[pp.25, 26]</i></p>	6.1.3	<p><b>Off-Street Parking Requirements</b></p> <p>A. Minimum Number of Spaces. The minimum number of off-street parking spaces shall be provided in accordance with the Table of Parking Requirements below, except where determined otherwise by this Bylaw.</p> <p>TABLE OF PARKING REQUIREMENTS</p> <p>B. Parking for Unspecified Uses. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Commissioner based on a listed use of similar characteristics of parking demand generation. For projects subject to Site Plan Review or requiring a special permit, the determination shall be made by the Planning Board.</p> <p><i>[p.52]</i></p> <p>6.1.4. Mixed Use Requirements</p> <p>In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each area of use, so that adequate space shall be provided to accommodate the cars of all persons on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times in accordance with Section 6.1.6.B.</p> <p><i>[p.55]</i></p>
5140	<p><b>Standard Car Parking Dimensional Regulations.</b> Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:</p>	6.1.7	<p><b>Parking Dimensions</b></p> <p>Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:</p>

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	<table> <tr> <th>ANGLE OF PARKING (degrees)</th><th>WIDTH OF PARKING STALL (ft.)</th><th>PARKING STALL LENGTH OF LINE (ft.)</th><th>WIDTH OF MANEUVERING AISLE (ft.)</th></tr> <tr> <td>90 (two-way)</td><td>9.5</td><td>18.5</td><td>24</td></tr> <tr> <td>60 (one-way)</td><td>10.4</td><td>22.0</td><td>18</td></tr> <tr> <td>45 (one-way)</td><td>12.7</td><td>25.0</td><td>14</td></tr> <tr> <td>Parallel (one-way)</td><td>8.0</td><td>22.0</td><td>14</td></tr> <tr> <td>Parallel (two-way)</td><td>8.0</td><td>22.0</td><td>18</td></tr> </table> <p>[p.26]</p>	ANGLE OF PARKING (degrees)	WIDTH OF PARKING STALL (ft.)	PARKING STALL LENGTH OF LINE (ft.)	WIDTH OF MANEUVERING AISLE (ft.)	90 (two-way)	9.5	18.5	24	60 (one-way)	10.4	22.0	18	45 (one-way)	12.7	25.0	14	Parallel (one-way)	8.0	22.0	14	Parallel (two-way)	8.0	22.0	18		<table> <tr> <th>ANGLE OF PARKING (degrees)</th><th>WIDTH OF PARKING STALL (ft.)</th><th>PARKING STALL LENGTH OF LINE (ft.)</th><th>WIDTH OF MANEUVERING AISLE (ft.)</th></tr> <tr> <td>90 (two-way)</td><td>9.5</td><td>18.5</td><td>24</td></tr> <tr> <td>60 (one-way)</td><td>9.5</td><td>24.0</td><td>18</td></tr> <tr> <td>45 (one-way)</td><td>9.5</td><td>28.0</td><td>14</td></tr> <tr> <td>Parallel (one-way)</td><td>8.0</td><td>22.0</td><td>14</td></tr> <tr> <td>Parallel (two-way)</td><td>8.0</td><td>22.0</td><td>18</td></tr> </table> <p>[p.56]</p>	ANGLE OF PARKING (degrees)	WIDTH OF PARKING STALL (ft.)	PARKING STALL LENGTH OF LINE (ft.)	WIDTH OF MANEUVERING AISLE (ft.)	90 (two-way)	9.5	18.5	24	60 (one-way)	9.5	24.0	18	45 (one-way)	9.5	28.0	14	Parallel (one-way)	8.0	22.0	14	Parallel (two-way)	8.0	22.0	18
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5150	Reserved																																																		
5160	<p><b>Design Requirements for Residential Parking Facilities.</b></p> <p><b>5161.</b> One parking space may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirement and in no case shall such stalls, which are more than two deep, be considered in computing the required parking.</p> <p><b>5162.</b> Each driveway shall service not more than one lot. Subject to the granting of a special permit from the Planning Board, a driveway may be shared by not more than two lots. Each shared driveway shall be governed by a maintenance agreement running in perpetuity with the land. The frontage and area of such common driveway</p>	6.1.9	<p><b>Residential Parking Facilities &amp; Driveway Requirements.</b></p> <p><b>A.</b> Tandem Spaces. One parking space may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirement of Section 6.1. Parking stalls more than two deep shall not consider the spaces that are in addition to the two spaces in computing the required parking.</p> <p><b>B.</b> Driveways. Each driveway shall service not more than one lot. Subject to the granting of a special permit from the Planning Board, a driveway may be shared by not more than two lots. Each shared driveway shall be governed by a maintenance agreement running in perpetuity with the land. The frontage and area of a common driveway shall be in</p>																																																

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	shall be in addition to the minimum frontage and area required under Section 4000.  <i>[p. 26]</i>		addition to the minimum frontage and area required under Section 5 of the bylaw.  <i>[p.57]</i>
5170	<p><b>Design Requirements for Business or Industrial Parking Facilities.</b> Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required hereunder.</p> <p><i>[p. 26]</i></p>	6.1.11.	<p><b>Requirements for Business, Industrial, or Other Nonresidential Parking Facilities</b></p> <p>A. Exemptions. The provisions of the section shall not apply to municipal uses.</p> <p>B. Construction. Required parking spaces, loading areas, and driveways shall be constructed and maintained with suitable grading, adequate drainage, and paved services.</p> <p>C. Buffers. Unless otherwise provided for in this Section 6.1, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, or within 20 feet of a property line abutting a street right-of-way, and no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required by Section 6.1.</p> <p><i>[p.58]</i></p>
	<p><b>5171.</b> Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than the required width for safe vehicle movements onto the adjacent roadway, without entering into the opposing lane. Each lot may have one additional access driveway for each 200 feet of frontage provided all such access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. In the case of an access driveway, which shall be used for one-way</p>	<p><b>6.1.10</b> <b>6.1.10.A</b></p>	<p><b>Nonresidential Driveway Requirements</b></p> <p>Access Driveway. Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than the required width for safe vehicle movements onto the adjacent roadway, without entering into the opposing lane. Each lot may have one additional access driveway for each 200 feet of frontage provided all access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. The minimum width of a one-way only access driveway</p>

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	traffic only, the minimum width may be reduced to 14 feet at its narrowest point. <i>[p. 26]</i>		may be reduced to 14 feet at its narrowest point. <i>[p.57]</i>
	<b>5172.</b> Interior driveways may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic. <i>[p.26]</i>	<b>6.1.10.F</b>	Interior Driveways. Interior driveways may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic upon approval of a special permit by the Planning Board. <i>[p.58]</i>
	<b>5173.</b> Common Driveway in the Business or Industrial Districts. To the extent feasible, lots and parking areas shall be served by common private access ways, in order to minimize the number of curb cuts in these districts. Such common access ways shall be in conformance with the standards of the Department of Public Works. Proposed documentation (in the form of easements, covenants, or contracts) shall be submitted with the site plan demonstrating that proper maintenance, repair, and apportionment of liability for the common access way and any shared parking areas has been agreed upon by all lot owners proposing to use the common access way. Common private access ways may serve any number of adjacent parcels deemed appropriate by the Planning Board. Common private access ways shall not be wider than 24 feet at any point where it crosses required open space or any parking setback area required hereunder. <i>[p. 27]</i>	<b>6.1.10.D</b>          <b>6.1.10.E</b>	Common Private Access Ways in the Business or Industrial Districts. To the extent feasible, lots and parking areas shall be served by common private access ways in order to minimize the number of curb cuts in these districts. Common access ways shall be in conformance with the standards of the Department of Public Works. Proposed documentation (in the form of easements, covenants, or contracts) shall be submitted with the site plan demonstrating that proper maintenance, repair, and apportionment of liability for the common access way and any shared parking areas has been agreed upon by all lot owners proposing to use the common access way.          Common private access ways may serve any number of adjacent parcels deemed appropriate by the Planning Board. Common private access ways shall not be wider than 24 feet at any point where it crosses required open space or any required parking setback area. <i>[pp.57, 58]</i>
<b>5180</b>	<b>Loading Areas.</b> One or more off-street loading areas shall be provided for any business that may be regularly served by tractor trailer trucks or other similar delivery vehicles, so that adequate areas shall	<b>6.1.14</b>	<b>Loading Areas</b> One or more off-street loading areas shall be provided for any business that may be regularly served by tractor trailer trucks or other similar delivery vehicles, so that adequate

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	be provided to accommodate all delivery vehicles, expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.  <i>[p. 27]</i>		areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.  <i>[p.60]</i>
5210	<p><b>5200. SIGNS.</b></p> <p><b>General.</b> This By-Law is adopted for the regulation and restriction of billboards, signs and other advertising devices within this Town on public ways or on private property within public view of a public way, public park or reservation in order to protect and enhance the visual environment of this Town and the safety, convenience and welfare of its residents. This By-Law is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This By-Law is adopted pursuant to Chapter 93, 40A and 43B of the General Laws of Massachusetts.</p> <p><i>[p.27]</i></p>	<p><b>6.2</b></p> <p><b>6.2.1.</b></p>	<p><b>SIGNS</b></p> <p><b>Purpose</b></p> <p>A. The purposes of Section 6.2 are:</p> <ol style="list-style-type: none"> <li>1. to protect the public's health, safety, welfare, and convenience;</li> <li>2. to protect and enhance the visual and aesthetic environment of the Town for a well maintained and attractive community;</li> <li>3. to enhance traffic safety by preventing sign overload excessive lighting, and clutter;</li> <li>4. to preserve and expand the economic vitality of the town;</li> <li>5. to encourage the effective use of signs as a means of communication, information, and advertisement; and,</li> <li>6. to assure that the benefits and burdens of sign regulation in the Town are equally distributed in keeping with the rights of free speech under the constitutions of the Commonwealth of Massachusetts and the United States.</li> </ol> <p>B. This bylaw is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This bylaw is adopted pursuant to the Town Charter and the Massachusetts Home Rule Amendment.</p> <p><i>[p.60]</i></p>
5220	<b>Permit Required.</b> No sign shall be erected, refaced	<b>6.2.2.B</b>	Permit Required. No sign shall be erected or installed until



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	<p>or enlarged until a permit is issued by the Sign Officer, except as otherwise provided herein. An application for a permit shall be made on forms furnished by the Sign Officer containing such information, including photographs, plans and scale drawings, as he/she may require. Such permit shall be issued only if the Sign Officer determines that the sign complies or will comply with all applicable provisions of this By-Law. A schedule of fees for such permits may be determined from time to time by the Board of Selectmen.</p> <p>The Planning Board, acting as Special Permit Granting Authority, under Section 5200 may approve, approve with conditions, or disapprove requests to deviate from the requirements of Section 5200.</p> <p><b>[p.27]</b></p>	<p><b>6.2.2.D</b></p>	<p>a permit is issued by the Sign Officer, except as otherwise provided in this Section 6.2. A sign permit application shall be filed with the Sign Officer containing all information, including photographs, plans, and scale drawings, as specified on the application form. The sign permit shall be issued if the Sign Officer determines that the sign complies or will comply with all applicable provisions of this Section 6.2. A schedule of content-neutral fees for sign permits shall be as determined by the Board of Selectmen.</p> <p>Sign Waivers. The Planning Board, acting as the special permit granting authority, may approve, approve with conditions, or disapprove, requests to waive the requirements of Section 6.2 if the Board makes the all of the findings in numbers 1. through 5. below. The Board shall not issue a waiver solely to allow larger signs or more signs than would otherwise be allowed. Prohibited signs listed in Section 6.2.4 shall not be subject this waiver provision.</p> <ol style="list-style-type: none"> <li>1. There are conditions unique to the property and exceptional circumstances that warrant the granting of a waiver.</li> <li>2. Waivers of the provisions would not be contrary to the purpose and intent of Section 6.2</li> <li>3. The architecture of the building, the location of the building or property, or the proposed use of the property is such that a waiver could be granted without detracting from the character of the site building or development and nearby properties and businesses, would not impact traffic or pedestrian safety, and would not be contrary to the public interest.</li> <li>4. There are no reasonable alternatives within the requirements of the sign bylaw to address the</li> </ol>
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			circumstances being put forth to justify a sign waiver. <b>[p.60-61]</b>
	<p><b>5221.</b> Sign Officer. The Building Commissioner is hereby designated as the Sign Officer and is hereby charged with the enforcement of this By-Law. The Sign Officer and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which any sign is erected or maintained in order to inspect said sign.</p> <p><b>[p.27]</b></p>	<b>6.2.2.A</b>	<p>Sign Officer. The Building Commissioner is designated as the Sign Officer and is charged with the enforcement of this Bylaw. The Sign Officer and any duly authorized agents shall, if permitted by the owner or otherwise lawfully authorized representative, or as otherwise permitted by law, and at reasonable times and upon presentation of credentials, enter upon the premises on which any sign is erected or maintained for the purpose of inspecting for compliance with the provision of Section 6.2.</p> <p><b>[p.60]</b></p>
	<p><b>5222.</b> Exemptions. The provisions of this section shall not apply to:</p> <ul style="list-style-type: none"> <li>a. Signs permitted in residential districts;</li> <li>b. Temporary signs;</li> <li>c. House number or building numbers;</li> <li>d. Public utility identification markings;</li> <li>e. Signs or markers required or erected by local, state or federal government;</li> <li>f. Names on private residences not used for business purposes;</li> <li>g. Striped poles used at barber shops;</li> <li>h. Directional markers not exceeding one (1) square foot, such as arrows or entrance and exist markings;</li> <li>i. Temporary signs advertising the one time sale of personal property or household accessories, such sign to be posted not more than twice in one (1) year, nor more than seven (7) days at each posting;</li> <li>j. Any sign limited solely to directing traffic or providing direction or setting out restrictions</li> </ul>	<b>6.2.3</b>	<p><b>Exempt Signs</b></p> <p>The following are exempted from the provisions of Section 6.2, unless otherwise noted.</p> <ul style="list-style-type: none"> <li>A. The message of a sign.</li> <li>B. Agricultural signs which are accessory to agricultural uses protected under G.L. c. 40A, § 3.</li> <li>C. Traffic control signs and safety signs, including disability access signs.</li> <li>D. Temporary signs. See Sections 6.2.5. and 6.2.6</li> <li>E. Outward facing signs painted or placed on the inside of a window provided that the aggregate area of the all signs in the window shall not exceed 30 per cent of the window area.</li> <li>F. Signs, banners, or markers required or erected by local, state, or federal government.</li> <li>G. Public utility identification markings.</li> <li>H. Address signs in residential districts which do not contain advertising copy.</li> <li>I. Names on private residences not used for business purposes.</li> <li>J. Flags which are not used for advertising or commercial</li> </ul>

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	<p>on the use of parking areas and not exceeding four square feet in area.</p> <p><b>[pp.27, 28]</b></p>		<p>purposes.</p> <p>K. Customary signs on gasoline pumps indicating in standard size and form the name and type of gasoline and the price thereof.</p> <p>L. Legal notice signs such as “no trespassing” and similar.</p> <p>M. Any sign limited solely to directing traffic or providing direction, such as arrows or entrance and exit signs or setting out restrictions on the use of parking areas and not exceeding 4 square feet in area.</p> <p>See Section 6.2.9 for Transition District requirements.</p> <p><b>[p.61, 62]</b></p>
<b>5230</b>	<b>Standards.</b> All signs shall conform with the following standards.	<b>6.2.7.</b>	<b>Sign Standards</b>
	<p><b>5231.</b> Movement. No sign shall contain any moving, flashing or animated lights or visible moving parts. A sign consisting solely of indicators of time and/or temperature or of an automatically changing message shall be permitted only upon the issuance of a special permit by the Planning Board.</p> <p><b>[p.28]</b></p>	<b>6.2.7</b>	<p>All signs shall conform to the following standards:</p> <p>A. Movement. Unless otherwise provided by Section 6.2, no sign shall contain any moving, flashing, or animated lights or visible moving parts of any digital display of variable content.</p> <p>B. Sign Area. The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest linear boundary which encompasses all of the letters and symbols.</p> <p><b>[p.63]</b></p>
	<b>5232.</b> Illumination. No sign shall be illuminated between the hours of 12 A.M. and 6 A.M. unless, in the case of an accessory sign, the premises on which it is locate are open for business. Signs may	<b>6.2.7.C.</b>	<p>Illumination. Signs shall meet the following illumination standards, criteria and prohibitions.</p> <p>1. No sign shall be illuminated between the hours of 12 a.m. and 6 a.m. unless the premises on which it is located is</p>

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	<p>be illuminated only by the following means:</p> <ul style="list-style-type: none"> <li><b>a.</b> By a white steady stationary light of reasonable intensity shielded and directed solely at the sign.</li> <li><b>b.</b> By an interior light of reasonable intensity or by neon gas-filled tubes.</li> <li><b>c.</b> Neon lights are prohibited on free-standing signs.</li> <li><b>d.</b> Signs containing Electronic Message Boards, which means a digital sign which exhibits changing or moving illumination effects, or a sign with moving letters, symbols or changing messages which are displayed via light emitting diodes (LED), liquid crystal display (LCD), plasma, or similar display technologies, shall not be allowed except by Special Permit from the Planning Board based upon findings that: <ul style="list-style-type: none"> <li>1. The business(es) utilizing the electronic message board are located on a site of over 10 acres of land.</li> <li>2. The buildings and public entrances to the businesses are located at least 125 feet from the street.</li> <li>3. There will be no interference with traffic patterns, traffic lights or public safety.</li> <li>4. The dimensions of the message board area shall not be over 41" H x 63" W.</li> <li>5. Electronic message boards shall not be allowed in the Town Center Overlay District.</li> </ul> </li> </ul>	<p>open for business.</p> <ul style="list-style-type: none"> <li>2. Neon lights are prohibited on free-standing and monument signs.</li> <li>3. Signs may be illuminated only by the following means: <ul style="list-style-type: none"> <li>a. By a white steady stationary light of reasonable intensity shielded and directed primarily at the sign.</li> <li>b. By internally illuminated lighting devices of reasonable intensity.</li> </ul> </li> <li>4. Signs containing electronic message boards, which shall mean a digital sign that exhibits changing or moving illumination, or a sign with moving letters, symbols or changing messages which are displayed via light emitting diodes (LED), liquid crystal display (LCD), plasma, or similar display technologies, shall not be allowed except by special permit from the Planning Board based upon the following criteria: <ul style="list-style-type: none"> <li>a. The business(es) utilizing the electronic message board is located on a site of over 10 acres of land.</li> <li>b. The buildings and public entrances to the businesses are located at least 125 feet from the street.</li> <li>c. There shall be no safety hazards created based on the illumination's effect on traffic patterns, traffic lights or public safety.</li> <li>d. Each electronic message sign shall have a light detector which automatically adjusts brightness according to ambient light conditions. The brightness regulator shall not allow the sign to register more than 0.3 light candles over ambient light levels and shall be accompanied by a manufacturer's certification.</li> <li>e. The dimensions of the message board area shall not exceed 41" H x 63" W.</li> <li>f. Electronic message boards shall not be allowed in the</li> </ul> </li> </ul>
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	<p>6. There shall be no scrolling, flashing or movement of messages or other displays.</p> <p>7. The electronic message board letters will be amber color only, with a black background.</p> <p>8. Any message must be displayed for a set period of time as determined by the Planning Board.</p> <p>9. The Planning Board may set further conditions based upon circumstances of specific site conditions.</p> <p>10. The Planning Board may waive items 1-7 above upon findings of special circumstances as determined solely by the Planning Board.</p> <p><b>[p.28]</b></p>		<p>Town Center District.</p> <p>g. There shall be no scrolling or flashing, of messages or other displays.</p> <p>h. The electronic message board sign letters shall be amber color only, with a black background.</p> <p>i. Any message shall be displayed for a period of at least 10 seconds.</p> <p>j. The Planning Board may waive criteria 4a. through 4i., above upon making findings of special circumstances that are specific and unique to the property and that waiver of these provisions would not be contrary to the purposes and intent of Section 6.2 and serve a public interest.</p> <p><b>[pp.63, 64]</b></p>
	<p><b>5233.</b> No sign permit shall be issued for an electrically operated sign until the local wiring inspector has issued a permit therefor. Such permit shall be issued only if the proposed sign complies with all requirements and recommendations of the National Electrical Code and Massachusetts Electric Code.</p> <p><b>[p.29]</b></p>	<b>6.2.7.D</b>	<p>Sign Electrical Permit. No sign permit shall be issued for an electrically operated sign until the local wiring inspector has issued an electrical permit, if otherwise required, for that sign.</p> <p><b>[p.64]</b></p>
	<p><b>5234.</b> Color. No sign shall contain red or green lights if such colors would, in the opinion of the Police Chief, constitute a safety hazard.</p> <p><b>[p.29]</b></p>	<b>6.2.7.E</b>	<p>Color. No sign shall contain red, amber, or green lights if those colors would, constitute a safety hazard for drivers and/or pedestrians, based on a finding by the Police Chief.</p> <p><b>[p.64]</b></p>
	<p><b>5235.</b> Tethered floating or inflated devices of any kind, sandwich or A-frame, and banners are</p>	<b>6.2.4</b>	<p>A. Tethered, floating, or inflated devices of any kind.</p> <p><b>B. Signs on parked motor vehicles and where the Sign</b></p>

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	<p>prohibited where intended to serve as a sign.</p> <p><i>[p.29]</i></p>		<p>Officer determines that a vehicle's primary use is for the display of signage and not for transportation.</p> <p>C. Revolving, moving, flashing, or blinking signs, signs that appear to be in motion, animated signs, or signs with visible moving parts, except for signs which display public service information such as time and temperature.</p> <p>D. Signs or parts thereof that contain or consist of animated parts, ribbons, streamers, spinners, or similar moving or fluttering devices, including feather banner and wind flag signs.</p> <p>E. Roof signs and signs protruding above the roofline of the building to which the sign is attached.</p> <p>F. Signs that obstruct the view of any traffic sign, signal, or other traffic device, or obstruct the view of a driver entering or exiting a street intersection or driveway intersecting with a street.</p> <p>G. Banners are prohibited unless specifically authorized under the provisions of Section 6.2</p> <p><i>(See Section 6.2.10.F for A-Frame signs)</i></p> <p><i>[p.62]</i></p>
5240	<p><b>Residence District Requirements.</b> The following requirements pertain in the R40, R80, MFD, MFD/55, and CDD Districts:</p> <p><b>5241.</b> One (1) sign not exceeding two square feet in area displaying the street number and/or name of occupant of the premises may be erected. Such sign may include identification of an accessory professional office or other accessory uses permitted in a residence district.</p> <p><b>5242.</b> One (1) for sale or for rent sign not exceeding six (6) square feet in area and</p>	6.2.8	<p><b>Residence District Requirements</b></p> <p>Signs located in the F, VR, and MF Districts shall meet the following requirements.</p> <p>A. Residential Uses. A permitted residential use located within these zoning districts may erect one or more permanent signs that shall not exceed a total of 8 square feet in the aggregate area.</p> <p>B. Signs may be freestanding, in which case they may not exceed 4 feet in height and shall be located at least 15 feet from any property boundary, and/or mounted on the building façade, no higher than 8 feet from the base</p>

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	<p>advertising only the premises on which it is located may be erected.</p> <p><b>5243.</b> One (1) contractor's sign not exceeding twelve (12) square feet in area maintained on the premises while construction is in progress and containing information relative to the project may be erected. Such sign shall be removed promptly after the completion of construction.</p> <p><b>5244.</b> One (1) identification sign not exceeding twelve (12) square feet in area at any public entrance to a subdivision or multi-family development may be erected upon the issuance of a special permit by the Planning Board; such special permit shall specify limits on the size of the sign and the length of time to be maintained.</p> <p><b>5245.</b> One (1) bulletin or announcement board, identification sign or entrance marker for each public entrance to the premises upon which a church, synagogue or institution is located, not exceeding thirty (30) square feet in area may be erected, provided that there shall be not more than one such sign for each church, synagogue or institution.</p> <p><i>[p.29]</i></p>		<p>level of the building. Free-standing signs shall include the street address.</p> <p>C. Temporary Signs. Temporary signs may be installed in accordance with the requirements of Section 6.2.5.</p> <p>D. Nonresidential Uses. A permitted nonresidential use located within these zoning districts shall be allowed a maximum of 2 signs. All signs on an individual property shall not exceed 30 square feet in size in the aggregate. Signs may include a Freestanding, Monument, or Attached Wall sign. For a Freestanding or Monument sign, the sign shall not exceed 6 feet in height and shall not be located closer than 15 feet to any property boundary. An Attached wall sign mounted on the building façade shall be no higher than 12 feet from the base level of the building.</p> <p>E. Residential Development Sign – One sign identifying a subdivision, condominium or apartment development or similar residential development may be located at the entrance to that development. The sign shall not exceed 20 square feet in area and shall not exceed 4 feet in height. The sign shall be located so as to not block visibility of traffic entering and exiting the development.</p> <p><i>[pp.64, 65]</i></p>
5250	<p><b>Business, Commercial and Industrial District Requirements.</b> The following requirements pertain to all districts except the R40, R80, MFD, MFD/55, and CDD Districts:</p> <p><b>5251.</b> Accessory signs which are permitted in the R40 and R80 Districts may be erected in</p>	6.2.10.	<p><b>Business, Commercial, and Industrial District Requirements</b></p> <p>The following requirements pertain to all base districts except the F, R40, VR, MF, P, and TD Districts:</p> <p><b>A. Attached Wall Signs.</b> Attached wall signs may be erected according to the following requirements.</p>

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accordance with the rules of Section 5240.

**5252.** Attached signs may be erected if firmly affixed to the building. The sign shall not project beyond the face of any other wall of the building or above the highest point of the eave. The sign shall not project more than twelve (12) inches from the face of the wall to which it is attached.

a. The height of the sign shall not exceed three (3) feet. The aggregate length of these signs shall not exceed the full width of the store wall unless the store occupies the entire first floor of a detached building in which event the aggregate length may not exceed three-quarters of the width of the wall. Stores occupying other than the first floor of a building shall have signs not to exceed three (3) feet in length.

b. If a store has a direct entrance in a wall other than the store front, there may be secondary signs affixed to such wall, the aggregate length of which shall not exceed fifty (50) percent of the maximum permissible length of the signs on the store front.

[p.29]

1. The sign shall be firmly affixed to the building.
  2. The sign shall not project beyond the face of any other wall of the building or above the highest point of the eave.
  3. The sign shall not project more than 12 inches from the face of the wall to which it is attached.
  4. For businesses located in a multi-tenanted building along the front façade, the size of the wall sign shall be determined as follows:
    - a. Businesses located within 100 feet of the street – One wall sign with an area not to exceed  $\frac{3}{4}$  of a square foot per linear foot of the business's façade.
    - b. Businesses located between 100 and 300 feet from the street – One wall sign not to exceed  $1\frac{1}{2}$  square feet per linear foot of the business's façade.
    - c. Businesses located more than 300 feet from the street – One wall sign not to exceed 2 square feet per linear foot of the business's façade.
    - d. No wall sign shall extend above the eave of the roof line of a single story building; extend higher than the bottom of the window sills of the second story of a building; or in the case of a gabled wall, no higher than a line equal in height to the lowest portion of the lower eave of any adjacent wall.
  5. For a single business that occupies the entire first floor of a detached building, the size of the sign shall not exceed  $\frac{3}{4}$  of the length of the front façade with a maximum sign size and height based on the size formula and height requirements of Section 6.10.A(4).
- B. **Directory Sign.** For buildings that have uses located above the first floor, a Directory sign identifying those uses in the building may be located adjacent to the main entrance to the building or the entrance to the floors

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		<p>above the first floor. The Directory sign shall only identify the names of the professionals or businesses, their profession or business type, and their floor and room number location. The Directory sign shall not exceed 14 square feet in area.</p> <p>C. <b>Secondary Wall Signs.</b> For any permitted use in the Business, Commercial, and Industrial districts located on a corner lot and where the permitted use faces both streets, a secondary wall sign may be located on the building face fronting the secondary street. This sign shall not exceed 50% of the permissible size of a sign fronting the primary street.</p> <p>E. <b>Projecting Blade Sign.</b> In the Town Center (TC), Mixed-Use Business (MUB), and General Business (GB) districts, two-sided projecting blade signs may be permitted subject to the following requirements.</p> <ol style="list-style-type: none"> <li>1. There shall be only one sign per business and the sign shall be located on the same façade, or section of the façade, as the business advertised on the sign.</li> <li>2. Only businesses located on the first floor shall be allowed a projecting blade sign.</li> <li>3. The sign shall not project more than 3 feet from the building facade.</li> <li>4. The sign shall not exceed 6 square feet of surface area per sign side.</li> <li>5. The sign shall not exceed 2 inches in width.</li> <li>6. The bottom of the sign shall not be less than 9 feet and the top of the sign shall not be more than 15 feet above the sidewalk over which the sign projects.</li> <li>7. The sign shall not be internally or externally lit.</li> <li>8. No projecting blade sign shall be located directly</li> </ol>
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			<p>above a public sidewalk, street, or any public area owned or controlled by the Town unless a permit authorizing the sign has been approved by the Board of Selectmen.</p> <p><b>F. Sandwich Board/A-Frame Signs.</b></p> <p>Sandwich Board signs may be allowed in the Town Center (TC), Mixed-Use Business (MUB), and General Business (GB) zoning districts subject to the following requirements.</p> <ol style="list-style-type: none"> <li>1. The maximum height of the sign shall be 4 feet.</li> <li>2. The maximum area of the sign shall be 6 square feet per sign face, with no more than 2 faces allowed.</li> <li>3. A-frame signs shall not form an angle not less than 15 degrees not more than 30 degrees.</li> <li>4. Only one sign per business is allowed.</li> <li>5. The sign shall be located within 15 feet of the business entrance.</li> <li>6. The sign shall only include advertising for the business for which the sign permit was issued.</li> <li>7. The sign shall be located so as to provide at least a 5 foot area of unobstructed walkway for safe pedestrian passage and shall not obstruct pedestrian passage in any way.</li> <li>8. The sign shall not be illuminated in any manner.</li> <li>9. The sign shall not obstruct sight lines or vehicular traffic.</li> <li>10. The sign shall be placed outside the business only during business hours and shall be removed at the end of the business day.</li> <li>11. The sign shall not be located in landscaped areas.</li> <li>12. The sign shall not include any attachments such as balloons, banners, reflectors, or similar.</li> <li>13. Signs shall be constructed from durable materials, be weather resistant, and present a finished appearance. Wood and metal are recommended materials. Cardboard</li> </ol>
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		<p>or similar flimsy materials are prohibited.</p> <p>14. The sign shall be free-standing and shall not be attached in any manner to a building or other physical object.</p> <p>15. The sign shall not be located on a public sidewalk, street or street right-of-way, or any public area owned or controlled by the Town unless a permit authorizing the sign has been approved by the Board of Selectmen.</p> <p><b>G. Banner Signs.</b> Banner signs may be allowed in any non-residential district subject to the following:</p> <p>1. The Building Commissioner may grant a temporary sign permit for banner signs for purposes such as grand openings, sales events, and seasonal promotions.</p> <p>2. Temporary banner sign permits shall be valid for a period of 30 days.</p> <p>3. A banner sign of textile, synthetic material, or similar, may be either a vertical banner sign or a horizontal banner sign. It shall be affixed and secured to a building or permanent pole, such as a building canopy support pole, or a parking lot light pole.</p> <p>4. A vertical banner sign shall be no wider than 2 feet and no longer than 20 feet. A horizontal banner sign attached to the front façade of the business shall be no larger than 20% of the first floor front wall area of the business displaying the banner, with a maximum area in accordance with the following:</p> <p>a. A building located within 100 feet of the street – maximum size 100 square feet.</p> <p>b. A building located between 100 and 500 feet from the street, a maximum area of 300 square feet.</p> <p>c. A building located more than 500 feet from the street, a maximum area of 400 square feet.</p> <p>5. The number of vertical banner signs shall not</p>
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			<p>exceed the following:</p> <ul style="list-style-type: none"> <li>a. For a commercial or business complex of one to five businesses: 5 banner signs</li> <li>b. For a commercial or business complex of six to twenty businesses: 12 banner signs</li> <li>c. For a commercial or business complex of more than twenty businesses: 25 banner signs</li> </ul> <p><b>H. Master Signage Plan.</b> For any development that requires approval of a Site Plan Review or a Special Permit by the Planning Board, a Master Signage Plan shall be submitted as part of the application. If there are two or more buildings or individual business spaces proposed, the Master Plan shall include all proposed sign locations for all buildings and business spaces. The plan shall show the proposed placement, size, materials, framing, illumination, graphics and colors of the proposed signage. Once the sign plan is approved no sign permit shall be issued for any individual business unless it is in conformance with the Master Signage Plan. <i>[p.65-68]</i></p>
	<p><b>5253.</b> Standing signs. Standing signs may not be erected within fifteen (15) feet of any street lot line or ten (10) feet of any side lot line. Standing signs are limited to a height of twenty (20) feet from the nearest pavement grade to the top of the sign structure. Standing signs may be double faced; however, the permitted area will be measured on one side only.</p> <ul style="list-style-type: none"> <li>a. A single business in a single building shall be limited to one (1) free standing not to exceed 60 square feet of sign area.</li> <li>b. Multiple business in a single building:</li> </ul>	<b>6.2.10.D</b>	<p><b>Freestanding Signs or Monument Signs.</b> Freestanding signs or Monument signs may be erected in accordance with the following requirements.</p> <ul style="list-style-type: none"> <li>1. Freestanding or Monument signs may not be erected within 15 feet of any street lot line or 10 feet of any side lot line.</li> <li>2. Freestanding signs are limited to a height of 20 feet from the nearest pavement grade to the top of the sign structure. Monument signs are limited to a height of 6 feet from the nearest pavement grade to the top of the sign structure.</li> <li>3. Freestanding and Monument signs may be double faced; however, the permitted area will be measured on</li> </ul>

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	<p>Multiple business buildings of three (3) businesses or more may be allowed one (1) free standing sign; the size of the sign shall be determined by the number of businesses in the building multiplied by ten (10) square feet, with a maximum of 60 square feet. Buildings of two businesses shall be allowed a sign with a maximum of 60 square feet.</p> <p>c. A standing sign for a wholesale operation shall be limited to one (1) free standing sign with a maximum of 24 square feet.</p> <p>d. A standing sign for a professional building shall be limited to one (1) free standing sign with a maximum size of 20 square feet.</p> <p>e. A standing sign for a shopping centers shall be limited to one (1) free standing sign at each entrance, but not more than two (2) such signs. Each such sign may be a maximum of 60 square feet.</p> <p><b>[p.30]</b></p>		<p>one side only.</p> <p>4. A freestanding sign shall not exceed 50 square feet in sign area. A monument sign shall not exceed 60 square feet in sign area.</p> <p>5. A professional building shall be limited to one freestanding sign with a maximum size of 50 square feet or one monument sign with a maximum size of 60 square feet.</p> <p>6. Shopping centers of at least 50,000 square feet in size shall be allowed one freestanding or monument sign at each entrance, but there shall not be more than 2 freestanding or monument signs in total. Each freestanding sign may be a maximum of 60 square feet. Each monument sign may be a maximum of 80 square feet.</p> <p>7. All freestanding and monument signs shall be located within a landscape area equal to 125% of the sign area. The landscape area shall be maintained in a continuous manner to prevent the accumulation of weeds and trash. Dead plants, shrubs, and trees shall be replaced within the first growing season after their demise.</p> <p><b>[p.66]</b></p>
	<p><b>5254.</b> Awnings. Awnings used as signs shall not project more than thirty-six (36) inches from the face of the wall to which it is attached. The signage on the awning must comply with the size requirements of this Section.</p> <p><b>[p.30]</b></p>	<b>6.2.10.I</b>	<p><b>Additional Sign Requirements</b></p> <p>1. Awnings. Awnings used as signs shall not project more than 36 inches from the face of the wall to which they are attached. The signage on the awning must comply with the size requirements of this Section.</p> <p><b>[p.68]</b></p>
	<p><b>5255.</b> Special signs. Signs painted or placed on the inside of the glass of a window shall be permitted, provided that the aggregate area of such sign does not exceed 30 percent of the area</p>	<b>5.3.3.A</b>	<p><i>[Window transparency is addressed for business districts in dimensional requirement section.]</i></p>

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	of the window glass. <b>[p.30]</b>		
	<b>5256.</b> Multiple Signs. When more than one sign is permitted for a principal use, a combination of not more than two of the following types of signs shall be permitted per principal use; attached sign, projecting sign, awning sign, and freestanding sign. <b>[p.30]</b>	<b>6.2.10</b>	H. Master Signage Plan. For any development that requires approval of a Site Plan Review or a Special Permit by the Planning Board, a Master Signage Plan shall be submitted as part of the application. If there are two or more buildings or individual business spaces proposed, the Master Plan shall include all proposed sign locations for all buildings and business spaces. The plan shall show the proposed placement, size, materials, framing, illumination, graphics and colors of the proposed signage. Once the sign plan is approved no sign permit shall be issued for any individual business unless it is in conformance with the Master Signage Plan. <b>[pp. 68]</b>
<b>5260</b>	<b>Transitional District Requirements.</b> The following requirements pertain in the Transitional Districts:  <b>5261.</b> Accessory signs which are permitted in the R40 and R80 Districts may be erected in accordance with the rules of Section 5240.  <b>5262.</b> Attached Signs. Attached signs may be erected in compliance with Section 5252. Such sign shall contain no more than 3 colors. The sign shall not be illuminated from within. Sign lighting shall be extinguished during non-business hours.  <b>a.</b> One (1) sign per permitted use not exceeding 15 square feet in size shall be allowed.  <b>5263.</b> Standing signs. Signs identifying entrance and exit points may be erected; such sign shall not exceed 6 square feet in size. No other standing	<b>6.2.9</b>	<b>Transition District Requirements</b> Signs located in the Transition District shall meet the following requirements. A. Attached Wall Signs. One attached wall sign per permitted use not exceeding 15 square feet in size shall be allowed. Attached wall signs shall not contain more than 3 colors. The sign shall not be illuminated from within. Sign lighting shall be extinguished during non-business hours. B. Secondary Wall Signs. For any permitted use in the Transition District located on a corner lot and where the permitted use faces both streets, a secondary wall sign may be located on the building face fronting the secondary street. This sign shall not exceed 10 square feet in size. C. Freestanding Signs. Signs identifying entrances and exits may be erected. These signs shall not exceed 6 square feet in size. No other freestanding signs shall be permitted. <b>[p.65]</b>

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	signs shall be permitted. <b>[p.30]</b>		
<b>5270</b>	<p><b>Temporary Signs.</b> Temporary signs which comply with these By-Laws shall be permitted (other than a temporary sign placed in a window).</p> <p><b>5271.</b> Temporary signs which do not comply with these By-Laws may be authorized by a special permit by the Board of Selectmen for private, nonprofit charitable organizations.</p> <p><b>5272.</b> Temporary signs which are specific in nature to announce an event, including but not limited to Real Estate Signs, Construction Signs, Yard Sale Signs and Ballot Issue Signs and other such signs shall be permitted as a matter of right. Said signs shall not exceed 6 SF and a maximum of 4 signs per lot. Said signs shall be located on private property, and a minimum of 10 Ft. from the edge of pavement. Said signs shall not obstruct traffic sight lines or pedestrian traffic. Said signs shall not be illuminated and must be removed within 4 days of the conclusion of the event.</p> <p><b>[pp.30, 31]</b></p>	<p><b>6.2.5.</b></p> <p><b>Temporary Signs, Non-commercial.</b> Temporary non-commercial signs shall be permitted as a matter of right if they satisfy all of the following conditions:</p> <p>A. No signs shall exceed 6 sq. ft. in area and no portion of a sign shall be more than 4 feet in height from ground level.</p> <p>B. All signs shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.</p> <p>C. No signs shall obstruct traffic sight lines or pedestrian traffic.</p> <p>D. No signs shall be illuminated.</p> <p>E. Unless otherwise provided for in this section temporary signs shall not be installed for a period to exceed 30 days. The Planning Board may waive this provision in accordance with Section 6.2.2.</p> <p>F. No event signs shall be installed sooner than 15 days prior to the event and shall be removed within 4 days of the conclusion of the event.</p> <p><b>G. Signs advertising the one-time sale of personal property or household accessories provided the sign shall not be posted more than twice in one year, nor for a period of more than 7 days at any one time.</b></p> <p><b>Temporary Signs, Commercial</b> Temporary commercial signs shall be permitted as a matter of right if they satisfy all of the following conditions:</p> <p>A. A temporary sign shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.</p> <p>B. No sign shall obstruct traffic sight lines or pedestrian traffic.</p> <p><b>6.2.6.</b></p>	

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			<p>C. No sign shall be illuminated.</p> <p>D. Unless otherwise provided for in this section temporary signs shall not be installed for a period to exceed 60 days. The Planning Board may waive this provision in accordance with Section 6.2.2.</p> <p>E. Temporary real estate signs shall not exceed 8 square feet in area for residential properties and 30 square feet in area for commercial and industrial properties, shall be limited to one sign per lot, and shall be removed 5 days after the sale, rental or lease of the property. If a property is for sale, one additional temporary sign shall be allowed.</p> <p>F. Temporary construction signs which advertise the development, and/or the owner, architect, builder, banker, and others responsible for the construction on the lot shall not exceed 32 square feet; shall be limited to 1 sign per lot or 1 sign per 300 feet of frontage of the lot; and shall be removed 25 days after the completion of the development or the construction. If a property is under development or a building under construction, one additional temporary sign shall be allowed.</p> <p>G. Temporary business signs such as "grand opening", "going-out-of-business", "special sale" and similar shall not exceed more than 2 signs per event. For businesses located within 100 feet of the street, each sign shall not exceed 50 square feet. For businesses located beyond 100 feet from the street, each sign shall not exceed 100 square feet.</p> <p>H. Temporary business signs other than in subsections . E., F., and G. above are limited to 2 per business.</p> <p>I. No temporary signs shall be installed 15 days prior to the activity and shall be removed within 5 days of the conclusion of the activity.</p>
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			<b>[pp.62, 63]</b>
<b>5280</b>	<p><b>Other Requirements.</b></p> <p><b>5281.</b> Billboards and non-accessory signs. All billboards and non-accessory signs, erected prior to June 1, 1965, shall be permitted provided no substantial changes are made in location, size or design of the structure.</p> <p><b>5282.</b> Nonconformance of accessory signs. Accessory signs legally erected before the adoption of this By-Law which do not conform to the provisions of this By-Law may continue to be maintained, provided, however, that no such sign shall be permitted if it is, after the adoption of this By-Law, enlarged, refaced or redesigned, except to conform to the requirements of this By-Law.</p> <p><b>5283.</b> Unsafe signs. When any sign become insecure, endanger of falling or otherwise unsafe or if any sign shall be unlawfully installed erected or maintained in violation of any of the provisions of law, the owner thereof or the person or firm maintaining same, shall upon written notice of the Building Commissioner, forthwith in the case of immediate danger and in any case within not more than ten (10) days make such sign conform to the provisions of this article or shall remove it. If within ten (10) days the order is not complied with, the Building Commissioner may remove such sign at the expense of the owner or lessee thereof.</p>	<b>6.2.11.</b>	<p><b>Other Requirements</b></p> <p>A. Billboards and Non-accessory Signs. All billboards and non-accessory signs lawfully erected prior to June 1, 1965, shall be permitted provided no substantial changes are made in location, size, or design of the structure unless the changes are designed to bring the sign into conformance with Section 6.2.</p> <p>B. Nonconforming Signs. Signs lawfully erected before the adoption of this bylaw which do not conform to the provisions of this Section 6.2 may continue to be maintained and shall be regarded as nonconforming signs.</p> <p>C. Unsafe or Unlawful Signs. When any sign becomes unsecured, in danger of falling, or otherwise derelict or unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of law, the sign owner or the person or firm maintaining the sign shall, upon written notice of the Building Commissioner, immediately in the case of imminent danger, and in any other case within not more than 10 days, make the sign conform to the provisions this Section 6.2, or shall remove it. If within 10 days the order is not complied with, the Building Commissioner may, in conformance with state law, remove the sign at the expense of the owner or lessee.</p> <p>D. Derelict Signs. Signs which become decrepit,</p>



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	<p><b>5284.</b> Derelict signs. Signs which become unsightly, incomplete, dilapidated, illegible or dangerous to the public safety, shall be condemned and removed by the Sign Officer. Costs may be recovered for such removal from the owner or lessor in the District Court.</p> <p><i>[p.31]</i></p>		<p>dilapidated, illegible, or dangerous to the public safety, shall be condemned and removed by the Building Commissioner. Costs may be recovered for the removal from the owner or lessor in the District Court.</p> <p>E. Maintenance of Signs. All signs permitted under Section 6.2 shall be appropriately maintained. Appropriate maintenance includes the replacement of missing letters, removal of peeling paint and repainting, replacement of any cracked or broken glass or plastic or similar, replacement of any failed lighting, and replacement of any broken, defective, worn out or damaged signs. If the building commissioner determines that a sign has not been maintained in accordance with this section, a notice to repair or remove the sign maybe issued to the sign owner to repair or replace the sign within 30 days.</p> <p><i>[pp.68, 69]</i></p>
5290	<b>Off-premise Signs.</b> Electronic Message Center (EMC) Signs and Billboards (collectively “off-premise signs”).	6.3	<b>OFF-PREMISE SIGNS. ELECTRONIC MESSAGE CENTER (EMC) SIGNS AND BILLBOARDS (COLLECTIVELY “OFF-PREMISE SIGNS”)</b>
5291	<b>Locations.</b> Off-premise signs shall be permitted in the Heavy Industrial and Office/ Research Zoning Districts located adjacent to either Interstate 93 or Interstate 495. No off-premise sign edge shall be located closer than 25 feet from the Interstate highway right-of way or within 1000 feet of a Residential or Multifamily District or Use.		<b>A. Locations.</b> Off-premise signs shall be permitted in the Heavy Industrial and Office/ Research Zoning Districts located adjacent to either Interstate 93 or Interstate 495. No off-premise sign edge shall be located closer than 25 feet from the Interstate highway right-of way or within 1000 feet of a Residential or Multifamily District or Use.
5292	<b>Special Permit.</b> Off-premise signs are allowed only upon the grant of a special permit by the Board of Selectmen (Selectmen). Special permits may be limited to a term of the number of years specified by the Selectmen and subject to an agreement		<b>B. Special Permit.</b> Off-premise signs are allowed only upon the grant of a special permit by the Board of Selectmen (Selectmen). Special permits may be limited to a term of the number of years specified by the Selectmen and subject to an agreement executed with the Town.

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5293	<p>executed with the Town.</p> <p><b>Application and Fee.</b> Each application shall be submitted to the Selectmen accompanied by a filing fee of \$2,500. Ten copies of the application filing documents shall be submitted with the information set forth below:</p> <ol style="list-style-type: none"> <li>Site Plan and area maps identifying the following features: <ol style="list-style-type: none"> <li>Location of any existing buildings, parking spaces, and traffic circulation patterns on the subject parcel;</li> <li>Proximity of nearest residentially used or residentially zoned property, utilizing current area photographs and Tewksbury Assessors Maps;</li> <li>Specific location of the proposed off-premise sign;</li> <li>Details of proposed buffer/landscaping areas around the off-premise sign including species and caliper of any trees or shrubbery one foot or more above the ground in height;</li> <li>Location of any existing off-premise sign(s) on the parcel; and</li> <li>Photographs or illustrations of the proposed design of the off-premise sign.</li> </ol> </li> <li>Additional Information – An application for an off-premise sign shall include the following additional information: <ol style="list-style-type: none"> <li>Detailed dimensions and area of any proposed off-premise sign;</li> <li>Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Selectmen or the Building Commissioner, the applicant shall provide a</li> </ol> </li> </ol>	<p><b>C. Application and Fee.</b> Each application shall be submitted to the Selectmen accompanied by a filing fee of \$2,500. Ten copies of the application filing documents shall be submitted with the information set forth below:</p> <ol style="list-style-type: none"> <li>Site Plan and area maps identifying the following features: <ol style="list-style-type: none"> <li>Location of any existing buildings, parking spaces, and traffic circulation patterns on the subject parcel;</li> <li>Proximity of nearest residentially used or residentially zoned property, utilizing current area photographs and Tewksbury Assessors Maps;</li> <li>Specific location of the proposed off-premise sign;</li> <li>Details of proposed buffer/landscaping areas around the off-premise sign including species and caliper of any trees or shrubbery one foot or more above the ground in height;</li> <li>Location of any existing off-premise sign(s) on the parcel; and</li> <li>Photographs or illustrations of the proposed design of the off-premise sign.</li> </ol> </li> <li>Additional Information – An application for an off-premise sign shall include the following additional information: <ol style="list-style-type: none"> <li>Detailed dimensions and area of any proposed off-premise sign;</li> <li>Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Selectmen or the Building Commissioner, the applicant shall provide a</li> </ol> </li> </ol>
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5294	<p>structural analysis of the support structure, stamped by a licensed structural engineer; and,</p> <p>3. Lighting proposal, including specifications of all proposed lighting fixtures to be either attached to the billboard, structure, or affixed to the ground.</p> <p>c. Additional Requirements:</p> <ol style="list-style-type: none"> <li>1. Written authorization from the property owner or lawful occupant (such as a lease with a term of at least 5 years) granting permission to install the proposed off-premise sign; and</li> <li>2. Any additional information as may be required by the Selectmen to assist it in determining whether the application complies with the provisions and requirements of this Section 5290.</li> </ol> <p><b>Dimensional Restrictions and Design Guidelines.</b> All off-premise signs shall be in compliance with the following requirements:</p> <ol style="list-style-type: none"> <li>a. All off-premise signs shall be permanently affixed to a main support structure. No portable off-premise signs shall be permitted.</li> <li>b. Off-premise signs shall not have excessive lighting. EMC signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions.</li> <li>c. Exposed backs of off-premise signs, poles, and other support structures shall be of a color and finished so as to present an attractive and finished appearance that will blend with the natural surroundings.</li> <li>d. The following types of off-premise signs are prohibited: <ol style="list-style-type: none"> <li>1. Animated, projected, moving or giving the</li> </ol> </li> </ol>	<p>structural analysis of the support structure, stamped by a licensed structural engineer; and,</p> <p>c. Lighting proposal, including specifications of all proposed lighting fixtures to be either attached to the billboard, structure, or affixed to the ground.</p> <p>3. Additional Requirements:</p> <ol style="list-style-type: none"> <li>a. Written authorization from the property owner or lawful occupant (such as a lease with a term of at least 5 years) granting permission to install the proposed off-premise sign; and</li> <li>b. Any additional information as may be required by the Selectmen to assist it in determining whether the application complies with the provisions and requirements of this Section 6.3.</li> </ol> <p><b>D. Dimensional Restrictions and Design Guidelines.</b> All off-premise signs shall be in compliance with the following requirements:</p> <ol style="list-style-type: none"> <li>1. All off-premise signs shall be permanently affixed to a main support structure. No portable off-premise signs shall be permitted.</li> <li>2. Off-premise signs shall not have excessive lighting. EMC signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions.</li> <li>3. Exposed backs of off-premise signs, poles, and other support structures shall be of a color and finished so as to present an attractive and finished appearance that will blend with the natural surroundings.</li> <li>4. The following types of off-premise signs are prohibited: <ol style="list-style-type: none"> <li>a. Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing, revolving, and blinking, and</li> </ol> </li> </ol>
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<p>illusion of movement (including any moving parts), scrolling, flashing, revolving, and blinking, and intermittently flashing illuminated billboards, beacons (or any light directed at any location other than the billboard itself), searchlights, pennants, and inflatable billboards, including balloons;</p> <p>2. Billboards with physical movements of any kind;</p> <p>3. EMC signs that change at intervals of less than once every 10 seconds. Changes of image shall be instantaneous as seen the by human eye and shall not use fading, rolling, window shading, dissolving or similar effects;</p> <p>4. Tri-vision billboards;</p> <p>5. Video billboards or billboards that otherwise give the illusion of video or moving images;</p> <p>6. Billboards with sound;</p> <p>7. Billboards with pyrotechnics; and</p> <p>8. Billboards that by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with, any traffic control signal or device, or that may otherwise obstruct or interfere with traffic.</p> <p>e. An off-premise sign shall not be located within 1500 linear feet of any other off-premise sign.</p> <p>f. An off-premise sign may be double sided. No individual off-premise sign or sign face shall exceed 672 square feet in total area on each side or shall exceed 14 feet in height by 48 feet in width.</p> <p>g. An off-premise sign shall be mounted on a</p>	<p>intermittently flashing illuminated billboards, beacons (or any light directed at any location other than the billboard itself), searchlights, pennants, and inflatable billboards, including balloons;</p> <p>b. Billboards with physical movements of any kind;</p> <p>c. EMC signs that change at intervals of less than once every 10 seconds. Changes of image shall be instantaneous as seen the human eye and shall not use fading, rolling, window shading, dissolving or similar effects;</p> <p>d. Tri-vision billboards;</p> <p>e. Video billboards or billboards that otherwise give the illusion of video or moving images;</p> <p>f. Billboards with sound;</p> <p>g. Billboards with pyrotechnics; and</p> <p>h. Billboards that by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with, any traffic control signal or device, or that may otherwise obstruct or interfere with traffic.</p> <p>5. An off-premise sign shall not be located within 1500 linear feet of any other off-premise sign.</p> <p>6. An off-premise sign may be double sided. No individual off-premise sign or sign face shall exceed 672 square feet in total area on each side or shall exceed 14 feet in height by 48 feet in width.</p> <p>7. An off-premise sign shall be mounted on a pedestal or</p>
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5295	<p>pedestal or other support structure.</p> <p>h. No off-premise sign shall be located on any building, whether erected or otherwise placed or painted on the building.</p> <p>i. No off-premise sign shall be located on or otherwise attached to a tree, utility pole, fence, or rock.</p> <p>j. Lighting or other illumination related to the off-premise sign shall not project glare or negatively impact abutting properties and shall not shine onto abutting roadways;</p> <p>k. There shall be a 10-foot wide landscaped buffer installed around the base of the support structure to minimize its visual impact.</p> <p><b>Criteria for Approval.</b> The Selectmen shall approve an application for a Special Permit under Section 5290 unless it finds that all of the following conditions are not met. The conditions shall be incorporated into any Special Permit decision:</p> <p>a. The specific site is an appropriate location for the proposed off-premise sign and the design and layout complies with the standards and requirements set forth in this bylaw;</p> <p>b. The proposed off-premise sign shall not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;</p> <p>c. The off-premise sign, including supports, braces, guys, and anchors, shall be kept in good repair.</p> <p>d. All special permit approvals are subject to any necessary approvals, restrictions, and conditions required or issued by the Commonwealth of Massachusetts and/or the</p>	<p>other support structure.</p> <p>8. No off-premise sign shall be located on any building, whether erected or otherwise placed or painted on the building.</p> <p>9. No off-premise sign shall be located on or otherwise attached to a tree, utility pole, fence, or rock.</p> <p>10. Lighting or other illumination related to the off-premise sign shall not project glare or negatively impact abutting properties and shall not shine onto abutting roadways;</p> <p>11. There shall be a 10-foot wide landscaped buffer installed around the base of the support structure to minimize its visual impact.</p> <p><b>E. Criteria for Approval.</b> The Selectmen shall approve an application for a Special Permit under Section 6.3 unless it finds that all of the following conditions are not met. The conditions shall be incorporated into any Special Permit decision:</p> <p>1. The specific site is an appropriate location for the proposed off-premise sign and the design and layout complies with the standards and requirements set forth in this bylaw;</p> <p>2. The proposed off-premise sign shall not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;</p> <p>3. The off-premise sign, including supports, braces, guys, and anchors, shall be kept in good repair.</p> <p>4. All special permit approvals are subject to any necessary approvals, restrictions, and conditions required or issued by the Commonwealth of Massachusetts and/or the federal government.</p> <p>5. The Selectmen, in granting a special permit, may</p>
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	<p>federal government.</p> <p>e. The Selectmen, in granting a special permit, may require additional conditions and safeguards as it deems necessary for protection of the public health, safety, and welfare.</p>		<p>require additional conditions and safeguards as it deems necessary for protection of the public health, safety, and welfare.</p>
5296	<p><b>Off-premise Sign Maintenance and Removal.</b> Off-premise signs shall be maintained and be required to be removed in accordance with the following:</p> <p>a. All off-premise signs and supporting structures shall be kept in good repair and free of wear and tear, rust, and other indices of deterioration.</p> <p>b. An off-premise sign permitted under Section 5290 that is abandoned, discontinued, blank, or is in disrepair for a period of 120 days shall be cause for its removal. For purposes of this section, an off-premise sign will satisfy this condition if:</p> <p>i. There is no advertising paid for by a person or company other than the off-premise sign owner or advertising an interest other than specified in the rental agreement of the off-premise sign;</p> <p>ii. The off-premise sign advertises a business, service, enterprise, or activity that is no longer operating or being offered or conducted; or</p> <p>iii. The advertising message of the off-premise sign displays becomes illegible in whole or substantial part.</p> <p>c. The Building Commissioner shall notify the off-premise sign owner, lessee, and manager of the off-premise sign, as the case may be, in writing, specifying a 45-day period to remove or repair</p>		<p><b>F. Off-premise Sign Maintenance and Removal.</b> Off-premise signs shall be maintained and be required to be removed in accordance with the following.</p> <p>1. All off-premise signs and supporting structures shall be kept in good repair and free of wear and tear, rust, and other indices of deterioration.</p> <p>2. An off-premise sign permitted under Section 6.4 that is abandoned, discontinued, blank, or is in disrepair for a period of 120 days shall be cause for its removal. For purposes of this section, an off-premise sign will satisfy this condition if:</p> <p>a. There is no advertising paid for by a person or company other than the off-premise sign owner or advertising an interest other than specified in the rental agreement of the off-premise sign;</p> <p>b. The off-premise sign advertises a business, service, enterprise, or activity that is no longer operating or being offered or conducted; or</p> <p>c. The advertising message of the off-premise sign displays becomes illegible in whole or substantial part.</p> <p>3. The Building Commissioner shall notify the off-premise sign owner, lessee, and manager of the off-premise sign, as the case may be, in writing, specifying a 45-day period to remove or repair the off-premise sign. If the</p>

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5297	<p>the off-premise sign. If the off-premise sign has not been removed or repaired within such time period to the satisfaction of the Building Commissioner, the Building Commissioner may revoke the off-premise sign building permit and take appropriate action forthwith to remove the sign. All expenses for the removal shall be borne by the off-premise sign owner, lessee, and/or manager as determined by the Building Commissioner.</p> <p>d. If the Building Commissioner determines that an off-premise sign is an immediate threat to public safety irrespective of any stays granted to the off-premise sign owner, lessee, or manager, the Building Commissioner may cause any off-premise sign, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, or the threatened area to be cordoned off. All expenses for protecting the public, including the removal of the off-premise sign or stabilization of the public safety threat, shall be borne by the off-premise sign owner, lessee, as determined by the Building Commissioner. An off-premise sign that is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat has been abated, to the satisfaction of the Building Commissioner.</p> <p><b>Surety.</b> The Applicant shall provide a financial surety to the Town in accordance with M.G.L. c. 44 § 53G ½, that will secure the full cost of the removal of any off-premise sign which is found to be abandoned, discontinued, blank, or is in disrepair, as determined</p>	<p>off-premise sign has not been removed or repaired within such time period to the satisfaction of the Building Commissioner, the Building Commissioner may revoke the off-premise sign building permit and take appropriate action forthwith to remove the sign. All expenses for the removal shall be borne by the off-premise sign owner, lessee, and/or manager as determined by the Building Commissioner.</p> <p>4. If the Building Commissioner determines that an off-premise sign is an immediate threat to public safety irrespective of any stays granted to the off-premise sign owner, lessee, or manager, the Building Commissioner may cause any off-premise sign, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, or the threatened area to be cordoned off. All expenses for protecting the public, including the removal of the off-premise sign or stabilization of the public safety threat, shall be borne by the off-premise sign owner, lessee, as determined by the Building Commissioner. An off-premise sign that is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat has been abated, to the satisfaction of the Building Commissioner.</p> <p><b>G. Surety.</b> The Applicant shall provide a financial surety to the Town in accordance with G.L. c. 44 § 53G ½, that will secure the full cost of the removal of any off-premise sign which is found to be abandoned, discontinued, blank, or is in disrepair, as determined under</p>
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5298	<p>under Section 5296. d above. The Applicant shall deposit with the Town Treasurer a surety in an amount that shall be determined by the Selectmen. Upon removal of the off-premise sign, any remaining funds shall be returned to the Applicant in accordance with M.G.L. c. 44 § 53G ½.</p> <p><b>On-premise Signs.</b> Nothing in Section 5290 shall be applicable to on-premise signs.</p> <p><b>Definitions.</b></p> <p>a. Billboard: An advertising sign or other commercial sign that directs attention to a business, commodity, service or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed. This is also known as an off-premise commercial sign.</p> <p>b. Electronic Message Center: An off-premise electronically activated changeable message sign whose variable message or graphic presentation capability can be electronically programmed. EMCs typically use Light Emitting Diodes (LEDs) as a lighting source.</p> <p>c. Off-premise sign: A permanent sign erected, maintained, or used in the outdoor environment for the purpose for the display of commercial or noncommercial messages not appurtenant to the use of, or products sold on, the property where the sign is located.</p> <p>d. On-premise sign: A sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial and noncommercial messages appurtenant to the use of, or products sold on, the premises on which it is located.</p>	<p>Section F(2) above. The Applicant shall deposit with the Town Treasurer a surety in an amount that shall be determined by the Selectmen. Upon removal of the off-premise sign, any remaining funds shall be returned to the Applicant in accordance with G.L. c. 44 § 53G ½.</p> <p><b>H. On-premise Signs.</b> Nothing in Section 6.3 shall be applicable to on-premises signs. <i>[pp.69-72]</i></p> <p>BILLBOARD: An advertising sign or other commercial sign that directs attention to a business, commodity, service or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed. This is also known as an off-premise commercial sign.</p> <p>ELECTRONIC MESSAGE CENTER: An off-premise electronically activated changeable message sign whose variable message or graphic presentation capability can be electronically programmed. EMCs typically use Light Emitting Diodes (LEDs) as a lighting source.</p> <p>SIGN, OFF-PREMISES: A permanent sign erected, maintained, or used in the outdoor environment for the purpose for the display of commercial or noncommercial messages not appurtenant to the use of, or products sold on, the property where the sign is located.</p> <p>SIGN, ON-PREMISES: A sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial and noncommercial messages appurtenant to the use of, or products sold on, the premises on which it is located.</p> <p>OUTDOOR ADVERTISING: Any outdoor sign, display, light,</p>
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	<p>e. Outdoor Advertising: Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform; any part of the advertising or information contents of which are visible from any public way, public park, or public reservation.</p> <p><i>[pp. 31-35]</i></p>		<p>device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform; any part of the advertising or information contents of which are visible from any public way, public park, or public reservation.</p> <p><i>[pp.15-17]</i></p>
<p><b>5300</b> <b>5310</b></p>	<p><b>ENVIRONMENTAL PERFORMANCE STANDARDS</b></p> <p><b>General.</b> In all zoning districts no use shall be permitted which would be offensive because of injurious or obnoxious noises, vibrations, smoke, gas, fumes, odors, dust, debris, or other objectionable features, which shall include truck box bodies, or be hazardous to the community on account of fire or explosions or any other cause. No permit shall be granted for any use which may prove injurious to the safety or general welfare of the neighborhood into which it proposes to locate or which may prove destructive of property values because of any excessive nuisance qualities.</p> <p><i>[pp.35, 36]</i></p>	<p><b>5.4.2</b></p>	<p>B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.</p> <p><i>[p. 37]</i></p>
<p><b>5320</b></p>	<p><b>Stormwater Runoff.</b> No stormwater runoff in excess of rates existing prior to new construction shall be allowed and no stormwater runoff in excess of rates existing prior to new construction shall be discharged onto a public way or into a public drainage system unless there is, in the opinion of the Planning Board, sufficient capacity to handle the additional runoff. No point discharges to abutting properties will be</p>	<p><b>3.6.4.C</b></p>	<p>7. Protection of adjacent and nearby properties from detrimental site impacts from drainage, flooding, undue and loud sounds, odors, dust, light pollution, and diminished air quality. No point discharges to abutting properties will be created or expanded.</p> <p><i>[p.24]</i></p>

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	created or expanded. <i>[p.36]</i>		
5330	<p><b>Outdoor Lighting.</b> All outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be aimed, located, designed, fitted and maintained to illuminate the task intended and to avoid glare and light spillover onto abutting and neighboring properties and roadways.</p> <p><i>[p.36]</i></p>	3.6.4.C.	<p>8. Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.</p> <p><i>[p.24]</i></p>
	<p><b>5331. Lighting Fixture Types.</b></p> <p>Lighting fixture types are defined as follows:</p> <p>Type 1. No light cutoff.</p> <p>Type 2. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from vertical, and essentially no light is emitted above the horizontal.</p> <p>Type 3. Luminaire shielded such that total cutoff is at less than 90 degrees from vertical, and no light source is in direct view of an observer four (4) feet above the ground at any point off the premises.</p>		

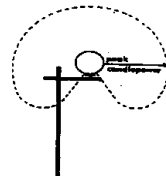
[p.36]

**ILLUSTRATION**

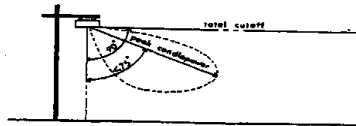
TYPE 1: NO CUTOFF LUMINAIRE

TYPE 2: 90 DEGREE CUTOFF LUMINAIRE

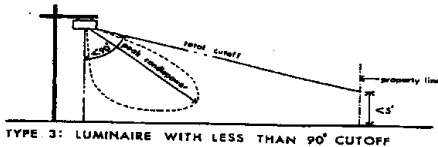
TYPE 3: LUMINAIRE WITH LESS THAN 90 DEGREE CUTOFF



TYPE 1: NO CUTOFF LUMINAIRE



TYPE 2: 90° CUTOFF LUMINAIRE



TYPE 3: LUMINAIRE WITH LESS THAN 90° CUTOFF

**5332. Lighting limitations.**

The following limitations shall be observed by all uses, unless during special permit proceedings the SPGA determines that it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, and that all reasonable efforts have been made to avoid glare or light overspill onto residential premises and roadways.

Maximum luminaire mounting height (feet)

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	<div>Commercial &amp; Industrial Uses</div> <div>Residential Uses</div> <div>Fixture Type 1</div> <div>20</div> <div>10</div> <div>Fixture Type 2</div> <div>20</div> <div>15</div> <div>Fixture Type 3</div> <div>20</div> <div>20</div> <div>Maximum off-site overspill (foot-candles)</div> <div>Commercial &amp; Industrial Uses</div> <div>Residential Uses</div> <div>Fixture Type 1</div> <div>0.3</div> <div>0.2</div> <div>Fixture Type 2</div> <div>1.0</div> <div>0.3</div> <div>Fixture Type 3</div> <div>3.0</div> <div>0.5</div> <div>5333. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either glare or flashing reflected from the sky.</div> <div>5334. An exterior lighting plan is required in all applications for outdoor lighting, which plan shall include the location, mounting height, and orientation of luminaires, and sufficient technical information on the fixture to determine its type and resulting illumination levels.</div> <div>[pp.37, 38]</div>		
5340	<b>Noise.</b> No use shall be permitted within the Town of Tewksbury which, by reason of excessive noise	3.6.4.C	7. Protection of adjacent and nearby properties from detrimental site impacts from drainage, flooding, undue

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	generated therefrom, would cause nuisance or hazard to persons or property, all in accordance with the provisions set forth in 310 CMR 7.10(1), which prohibit willful or negligent emissions of sound which may cause noise.  <i>[p.38]</i>		and loud sounds, odors, dust, light pollution, and diminished air quality. No point discharges to abutting properties will be created or expanded.  <i>[p. 24]</i>
5350	<b>Solid Waste Storage.</b> Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with this By-Law.  <i>[p.38]</i>		
5360	<b>Other.</b>  <b>5361.</b> No vibration, odor, glare, or flashing shall be detectable without instruments at any lot line of a residential or institutional use.  <b>5362.</b> Cinders, dust, fumes, gases, odors, smoke, radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations.  <b>5363.</b> No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line	<b>3.6.4.C</b>	7. Protection of adjacent and nearby properties from detrimental site impacts from drainage, flooding, undue and loud sounds, odors, dust, light pollution, and diminished air quality. No point discharges to abutting properties will be created or expanded.  <i>[p.24]</i>

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	<p>voltage off the premises.</p> <p><b>5364.</b> All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate firefighting and fire suppression equipment standard in this industry. Burning of waste materials in the open, contrary to state law is prohibited.</p> <p><b>5365.</b> All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers.</p> <p><i>[p.38]</i></p>		
5400	<b>LANDSCAPING, SCREENING, AND BUFFER REQUIREMENTS</b>		
5410	<p><b>Open Space Landscaping Standards.</b> Any landscaping on open space shall be designed to enhance the visual impact of the use upon the lot and adjacent property. Where appropriate, existing vegetation may be retained and used to satisfy the landscaping requirements. Open space areas shall be kept free of encroachment by all buildings, structures, storage areas or parking. Open space landscaping shall be maintained as open planted areas and used to (1) ensure buffers between properties, (2) provide landscaped areas between buildings, (3) minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights or signs and (4) minimize the impact of the use property on land and</p>		

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	water resources. <i>[p.38]</i>		
<b>5411</b>	In the Commercial and R40 District where a business or industrial use abuts a residential district, a landscape buffer up to a minimum of 20 feet in depth designed to mitigate the impact of the business or industrial use on abutting residential districts may be required by the Planning Board between the business or industrial use and the residential district, and that this provision shall be construed to regulate lots across a public way from lots located in the R40 or R80 Zone. <i>[pp.38, 39]</i>	<b>6.1.12.H</b>	1. Nonresidential and Residential. Where nonresidential uses abut single-family residential districts, a landscape buffer of a minimum of 20 feet in depth may be required by the Planning Board. This landscape buffer shall be planted to mitigate the impact of the commercial, business, or industrial uses on the abutting residential districts. This provision may be construed to include residential districts located across a public way from the commercial, business or industrial use. <i>[p.59]</i>
<b>5412</b>	In the Heavy Industry District where a business or industrial use abuts a residential district, a landscape buffer of a minimum of 30 feet up to a maximum of 60 feet in depth designed to mitigate the impact of the business or industrial use on abutting residential districts shall be required by the Planning Board between the business or industrial use and the residential district, and that this provision shall be construed to regulate lots across a public way from lots located in the R40 or R80 Zone. <i>[p.39]</i>	<b>6.1.12.H</b>	1. Nonresidential and Residential. Where nonresidential uses abut single-family residential districts, a landscape buffer of a minimum of 20 feet in depth may be required by the Planning Board. This landscape buffer shall be planted to mitigate the impact of the commercial, business, or industrial uses on the abutting residential districts. This provision may be construed to include residential districts located across a public way from the commercial, business or industrial use. <i>[p.59]</i>
<b>5413</b>	All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the lot and upon adjacent property by the use of existing vegetation where appropriate and by the use of new trees, shrubs, walls, fences or other landscape elements. Any parking lot with more than 40 parking spaces shall include a landscaped area(s) shall not be less in area than five (5) percent of the total area of	<b>6.1.12</b>	A. General Standards. All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the lot and upon adjacent property by the use of existing vegetation where appropriate and by the use of new trees, shrubs, walls, fences or other landscape elements. B. Any parking lot with more than 40 parking spaces shall include a landscaped area(s) not less than 5 percent of

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	<p>the parking lot and shall be in addition to any minimum open space required under Section 5. Landscaped area(s) shall be provided with a minimum width of at least 10 feet, curbing and shade trees of at least 12 feet in height or such other landscaping as may be required by the Planning Board.</p> <p><b>[p.39]</b></p>		<p>the total area of the parking lot. Landscaped area(s) shall be provided with a minimum width of at least 10 feet, curbing and shade trees of at least 12 feet in height or such other landscaping as may be required by the Planning Board.</p> <p>C. Planted Area Requirements. Areas shall be planted with native plant species and shall contain an appropriate mix of flowers, shrubs, hedges and trees. Native plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the applicant may substitute shrubbery for trees.</p> <p>D. Shrubs and Hedges. Native shrubs and hedges shall be at least 2 feet in height at the time of planting, and have a spread of at least 18 inches.</p> <p>E. Grass. Grass is preferable to mulch where practical.</p> <p>F. The use of pollinators is encouraged.</p> <p>G. Tree Preservation. Existing trees with a caliper of 6 inches or more shall be preserved wherever feasible.</p> <p>H. Tree Requirements. Native deciduous trees shall be at least 2 inches in caliper as measured six inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight feet in height at the time of planting.</p> <p><b>[pp.58-59]</b></p>
<b>5414</b>	<p>In the Heavy Industrial and MFD Districts,</p> <p><b>a.</b> The required front yard setback shall be suitably landscaped and shall not be used for parking, storage or other purposes inconsistent with the landscaped effect;</p>	<b>6.1.11</b>	<p>C. Buffers. Unless otherwise provided for in this Section 6.1, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, or within 20 feet of a property line abutting a street right-of-way, and no parking space or</p>



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	<p><b>b.</b> Each lot shall have access only at designated driveways; each lot may have not more than two (2) driveways and one (1) additional driveway for each 200 feet of street frontage above the minimum required; driveways shall conform to Section 5171 of this Bylaw;</p> <p><b>c.</b> A strip not less than 30 feet wide in all side and rear yards where adjacent to any R40 or R80 zone shall be suitably landscaped and not used for parking or any use prohibited in such an adjacent district.</p> <p><b>[p.39]</b></p>	<p><b>6.1.10.</b></p>	<p>other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required by Section 6.1.</p> <p><b>[p.58]</b></p> <p><b>Nonresidential Driveway Requirements</b></p> <p>A. Access Driveway. Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than the required width for safe vehicle movements onto the adjacent roadway, without entering into the opposing lane. Each lot may have one additional access driveway for each 200 feet of frontage provided all access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. The minimum width of a one-way only access driveway may be reduced to 14 feet at its narrowest point.</p> <p>B. Access Driveway. Entrance and exit driveways shall be designed and located the maximum practicable distance from any intersection so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching vehicular, bicycling and pedestrian traffic provided that no portion of an entrance or exit driveway at the edge of the street pavement shall be closer than 50 feet to a street intersection. The Planning Board, as Special Permit Granting Authority, may waive this requirement if it finds that practicable difficulties with the lot size or shape would result in no driveway being allowed under this provision.</p> <p><b>[p.57]</b></p>
<b>5420</b>	<p><b>Parking and Loading Area Design and Location for Nonresidential Facilities.</b> The following regulations shall apply to all uses other than single and two family dwellings and municipal uses:</p>	<p><b>6.1.11.C</b></p>	<p>Buffers. Unless otherwise provided for in this Section 6.1, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, or within 20 feet of a property line abutting a</p>

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5421	No off-street parking area shall be located within ten (10) feet of a property line, within twenty (20) feet of a property line abutting a street right-of-way, or in any required yard adjacent to a residential or institutional use.		street right-of-way, and no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required by Section 6.1. <b>[p.58]</b>
5422	Sidewalks are required within the site where necessary for safe pedestrian access and circulation. There shall be a marked pedestrian aisle at each entrance to the building served by the parking lot. Sidewalks are required along all public ways to which the site abuts and must be connected to the sidewalks and pedestrian isles within the site to provide safe access to entrance(s) to the building from the public way(s). Sidewalks must be constructed in accordance with the Planning Board's Subdivision Rules and Regulations.	6.1.11.D	Sidewalks. Sidewalks are required within the site where necessary for safe pedestrian access and circulation. There shall be a marked pedestrian aisle at each entrance to the building served by the parking lot. Sidewalks are required along all public ways to which the site abuts and must be connected to the sidewalks and pedestrian aisles within the site to provide safe access to entrance(s) to the building from the public way(s). Sidewalks shall be constructed in accordance with the standards set forth by the Department of Public Works (DPW). It may be determined by the DPW during the pre-hearing interdepartmental review that a predetermined fee for use on the public way may be more advantageous to the Town at the time of permitting. This determination rests solely with the DPW. <b>[p.58]</b>
5423	Parking spaces more than five hundred (500) feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless the Planning Board determines that circumstances justify this greater separation of parking from use.		
5424	All required parking areas except those serving single-family residences shall be paved, unless exempted on special permit from the Planning Board for cases such as seasonal or periodic use where unpaved surfaces will not cause dust, erosion, hazard, or unsightly conditions.	6.1.11.E	Parking Distance Limitation. Parking spaces more than 500 feet from the building entrance they serve may not be counted toward fulfillment of parking requirements unless the Planning Board determines that circumstances justify this greater separation of parking from the use and approves the distance under Section 6.1.6 A. <b>[p.58]</b>
5425	Parking areas shall not require vehicles to back onto a public way.  <b>5426.</b> Parking areas for ten (10) or more cars	6.1.8.B	Pavement. All parking spaces and driveways except for those serving single-family dwellings shall be paved. The Planning Board may approve a special permit to waive this requirement where circumstances justify a waiver and

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	<p>shall provide screening in accordance with Section 5000.</p> <p><b>5427.</b> No dead end aisle shall exceed five (5) parking spaces in width.</p> <p><b>5428.</b> Continuous curbing shall be provided to control access and drainage, unless the Planning Board determines that circumstances justify otherwise.</p> <p><b>5429.</b> Curb stops, planting strips or other means shall be provided to maintain a minimum usable sidewalk width of four feet or the minimum width required by the Americans with Disabilities Act.</p> <p><b>[pp.39-40]</b></p>	<p><b>6.1.8.A</b></p> <p><b>6.1.11.C</b></p> <p><b>6.1.8.C</b></p> <p><b>6.1.8.D</b></p> <p><b>6.1.8.E</b></p>	<p>where the unpaved surfaces will not cause dust, erosion, a hazard, and unsightly conditions. <b>[p.56]</b></p> <p>Backing Out. Parking facilities shall not be designed in a manner that requires backing out into a public way. <b>[p.56]</b></p> <p>Buffers. Unless otherwise provided for in this Section 6.1, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, or within 20 feet of a property line abutting a street right-of-way, and no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required by Section 6.1. <b>[p.58]</b></p> <p>Dead End Aisles. Dead end aisles shall not serve more than 5 parking spaces on either side of the aisle unless waived by the Planning Board.</p> <p>Curbing. Continuous curbing shall be provided around the edges of a parking lot and around landscaped islands within the parking lot to control access and drainage. The Planning Board may approve a special permit to waive this requirement where circumstances justify a waiver and where the lack of curbing will not result in a safety hazard.</p> <p>ADA &amp; AAB Compliance. Curb stops, planting strips, or other similar means shall be provided to maintain a minimum usable sidewalk width of four feet or the minimum width required by the Americans with Disabilities Act. All parking facilities shall meet the requirements of the ADA and the Massachusetts Architectural Access Board Regulations at 521 CMR 23:00.</p> <p><b>[pp.56, 57]</b></p>
<b>5430</b>	<b>Parking Areas with Twenty or More Spaces.</b> The		

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<p><b>5441</b></p> <p><b>5442</b></p> <p><b>5443</b></p> <p><b>5444</b></p>	<p>applicant may substitute shrubbery for trees.</p> <p>Shrubs and hedges shall be at least 2 feet in height at the time of planting, and have a spread of at least 18 inches.</p> <p>Grass is preferable to mulch where practical.</p> <p>Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.</p> <p>Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting.</p> <p><b>[p.40]</b></p>		<p>elements.</p> <p>B. Any parking lot with more than 40 parking spaces shall include a landscaped area(s) not less than 5% of the total area of the parking lot. Landscaped area(s) shall be provided with a minimum width of at least 10 feet, curbing and native shade trees of at least 12 feet in height or such other landscaping as may be required by the Planning Board.</p> <p>C. Planted Area Requirements. Areas shall be planted with native plant species and shall contain an appropriate mix of flowers, shrubs, hedges and trees. Native plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the applicant may substitute native shrubbery for trees.</p> <p>D. Shrubs and Hedges. Native shrubs and hedges shall be at least 2 feet in height at the time of planting, and have a spread of at least 18 inches.</p> <p>E. Grass. Grass is preferable to mulch where practical.</p> <p>F. The use of pollinators is encouraged.</p> <p>G. Tree Preservation. Existing trees with a caliper of 6 inches or more shall be preserved wherever feasible.</p> <p>H. Tree Requirements. Native deciduous trees shall be at least 2 inches in caliper as measured 6 inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within 8 years after planting. Native evergreens shall be a minimum of 8 feet in height at the time of planting.</p> <p><b>[pp.58, 59]</b></p>
<p><b>5450</b></p>	<p><b>Coordination with Site Plan Approval.</b> The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine</p>	<p><b>3.6.4.C.</b></p>	<p>11. Provision of appropriate landscaping and other site amenities to enhance the visual quality of the property, to provide a landscaped green space parallel to the property frontage, and to provide screening as necessary of adjacent</p>

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	compliance with the specifications set forth in this section. <i>[p.41]</i>		properties. <i>[p.24]</i>
5460	<b>Maintenance of Landscaped Areas.</b> The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth. <i>[p.41]</i>	6.1.12.H	3. Maintenance of Landscaped Areas. The owner of the nonresidential use shall be responsible for the maintenance, repair, and replacement of all landscaping materials installed in accordance with this section. All plant materials shall be maintained in a healthy condition. Dead limbs, refuse, and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth. <i>[p.59]</i>
6100	<b>SECTION 6000. SPECIAL REGULATIONS</b> <b>ADULT USE ESTABLISHMENTS</b> <i>[pp.42-44]</i>		<b>SECTION 7.3 ADULT USE ESTABLISHMENTS (NO CHANGE)</b> <i>[pp.80-82]</i>
6200	<b>TRANSITIONAL DISTRICT REGULATIONS</b> <b>6210. Hours of Operation.</b> Hours of business within the zone shall be from no earlier than 7:00 AM to no later than 9:00 PM. <b>6220. Structures.</b> It is the intent of these regulations that exiting structures located in the Transitional District shall remain residential in appearance regardless of the use, and that new structures shall be residential in appearance regardless of the use. <b>6230. Pavement.</b> Any pavement within ten feet of any lot line requires site plan approval from the Planning Board with attention to protecting abutting		

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	<p>property.</p> <p><b>6240. Parking.</b> Parking areas shall be limited to back yards or side yards, and only if such parking is screened from view from the front and side. No parking in the front yard may be permitted.</p> <p><i>[p.44]</i></p>		
6300	<b>OFFICE RESEARCH DISTRICT</b>		
6310	<p><b>Dimensional requirements in the Office Research District</b> shall comply with the Dimensional Regulations: Appendix B, Sections 4000 and 4200 of the Heavy Industrial District. The Planning Board may waive the Heavy Industrial dimensional requirements in the Office Research District upon granting a Special Permit subject to findings of Special Permits, Section 9300 herein.</p> <p><i>[p.44]</i></p>		<p><b>SEE SECTION 5.3.4</b></p> <p><i>[p.36]</i></p>
	<p><b>6311. Landscaping Screening and Buffer Requirements in the Office Research District</b> shall comply with those of Section 5400 of the Heavy Industrial District. The Planning Board may waive the Landscaping Screening and Buffer requirements in the Office Research District upon granting a Special Permit subject to findings of Special Permits, Section 9300 herein.</p> <p><i>[p.44]</i></p>		<p><b>SEE SECTION 6.1.12</b></p> <p><i>[pp.58, 59]</i></p>
	<p><b>6320. Accessory Uses (ACC).</b> In the Office Research Districts, upon Special Permit findings, projects may also provide optional accessory use services on site, including but not limited to local transportation, barber/beauty services, sundries for personal</p>		

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	<p>consumption, and other amenities, provided:</p> <p><b>6321.</b> such uses serve primarily the employees of the development;</p> <p><b>6322.</b> such uses are conducted within and may be entered only from a principal building;</p> <p><b>6323.</b> there is no external evidence of such uses; and</p> <p><b>6324.</b> the appearance and character of commercial uses are compatible with the project.</p> <p><b>6325.</b> Upon approval by the Board, a project within the Office Research District may include Accessory Retail uses. The total amount of gross building floor area used for Accessory Retail uses shall not exceed five percent (5%) of the total gross building floor area of the entire OR project, or 10,000 square feet, whichever is greater. This requirement may be varied based upon a special permit finding of the Planning Board.</p> <p><b>6326.</b> Upon approval by the Board, a project within the Office Research District may include Accessory Restaurant uses. The total amount of gross building floor area used for Accessory Restaurant uses shall not exceed five percent (5%) of the total gross floor area of the entire project, and shall contain a maximum of 100 seats. This requirement may be varied based upon a special permit finding of the Planning Board. In addition, upon approval by the Board, a free standing Restaurant may be allowed by Special Permit in the OR. The Special Permit may be granted if the board determines that the Restaurant use is necessary in meeting the needs of existing occupants within the Office Research District</p>		
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	immediately adjacent thereto. Fast Food and Drive-thru facilities shall not be allowed.  [pp. 44,45]		
6400	<b>WIRELESS COMMUNICATIONS FACILITIES SPECIAL PERMIT</b>	8.5	<b>WIRELESS COMMUNICATIONS FACILITIES</b>
	<p><b>6401. Purpose.</b> The purpose of this Section 6400 is to provide for a special permitting process for the siting of wireless communications facilities while minimizing adverse visual impacts on adjacent properties, residential neighborhoods, and areas of high scenic and artistic value; to limit the overall number and height of such facilities to what is essential to serve the public convenience and necessity; and to promote shared use of facilities to reduce the need for new facilities.</p> <p><b>6402 Applicability.</b> Towers and structures for Wireless Communication Facilities including a base station for a Distributed Antenna System (DAS) may be allowed only in:</p> <p><b>a.</b> Municipal Districts, and additional Municipal land only as shown on the Wireless Communications Facilities Overlay District Map,</p> <p><b>b.</b> Land within 200 feet of Federal Highways Routes 93 and 495 in Heavy Industrial Districts, and the Office Research District, as shown on the Wireless Communications Facilities Overlay District Map,</p> <p><b>c.</b> Electric power transmission line easements and/ or, lands where there are electric transmission lines on existing structures or poles with a height of at least</p>	<p><b>8.5.1.</b></p> <p><b>8.5.2.</b></p>	<p><b>Purpose</b> The purpose of this Section 8.5 is to provide for a special permit process for the siting of wireless communications facilities while minimizing adverse visual impacts on adjacent properties, residential neighborhoods, and areas of high scenic and artistic value; to limit the overall number and height of such facilities to what is essential to serve the public convenience and necessity; and to promote shared use of facilities to reduce the need for new facilities.</p> <p><b>Applicability</b> A. Towers and structures for Wireless Communication Facilities shall be subject to the issuance of a Wireless Communications Facilities Special Permit by the Planning Board. B. Nothing in this Section 8.5 shall be construed to regulate or prohibit amateur radio towers used solely by a federally licensed amateur radio operator or wireless communications structures and devices used expressly and exclusively for television reception. Nothing in this Section 8.5 shall be construed to regulate or prohibit a wireless communication facility based on environmental effects of radio frequency radiation (RFR) emissions.</p> <p>[p.97]</p>

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	<p>50 feet in Heavy Industrial Districts and the Office Research District, only as shown on the Wireless Communications Facilities Overlay District Map,</p> <p>d. Churches, temples, synagogues and like buildings as determined by the Planning Board.</p> <p>e. Golf Courses, only as shown on the Wireless Communications Facilities Overlay District Map.</p> <p>f. Further, utility-pole-mounted DAS antennas are permissible on public and private ways according to the criteria in this bylaw.</p>		
	<p>Wireless Communication Facilities, including a DAS installation, shall be subject to the grant of a WIRELESS COMMUNICATIONS FACILITIES SPECIAL PERMIT by the Planning Board. Nothing in this Section shall be construed to regulate or prohibit amateur radio Towers used solely by a federally licensed amateur radio operator or wireless communications structures and devices used expressly and exclusively for television reception. Nothing in this Section 6400 shall be construed to regulate or prohibit a wireless communication facility on the basis of environmental effects of radio frequency radiation (RFR) emissions.</p> <p><b>[PB(=)]</b></p>		
	<p><b>6403 Special Permit Waiver of Applicability by the Planning Board.</b> To encourage wireless communications providers to deliver their services in an unobtrusive manner and produce the best coverage solution for the areas of the</p>		

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	<p>town, sitings of wireless communication facilities may be allowed in areas other than those listed in 6402, only by a grant of a Waiver by the Planning Board. This Waiver shall be subject to all other sections of 6400 and shall only be granted upon findings that the benefit of said waiver provides a substantially better solution in aesthetics and coverage than could be achieved in the available areas listed in 6402. Such Waiver shall include the use of those wireless facility options as are available, such as but not limited to, towers, stealth designs, rooftops, water tanks, existing structures and DAS facilities. The Planning Board encourages applicants for this Special Permit Waiver of Applicability to have a preliminary discussion with the Board prior to a formal application submittal.</p> <p><b>[pp.45,46]]</b></p>		
	<p><b>6404. Special Permit Granting Authority.</b> The special permit granting authority under this Section 6400 shall be the Planning Board.</p> <p><b>[p.46]</b></p>		
	<p><b>6410. Priority Location of Wireless Communication Facilities</b></p> <p><b>6411.</b> Wireless communications facilities. Towers may be allowed provided that they comply with the priority requirements for the location of Towers as set forth below.</p>		

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	<p><b>a.</b> The first priority shall be given to the Municipal District and additional land only as shown on the Wireless Communications Facilities Overlay District Map.</p> <p><b>b.</b> The second priority shall be given to the concealment of antennas within Churches, and like buildings, such as in spires, steeples, belfries and the like.</p> <p><b>c.</b> The third priority shall be given to remaining areas of allowed use as stated in Section 6402.</p> <p>Wireless Communications Facilities that do not have wireless communications antennas on site (with the exception of small antennas for GPS and geo-location services not exceeding 18 inches in height), such as DAS base station facilities, may be installed on any parcel without regard for the priority hierarchy in this section. Such facilities remain subject to all other pertinent criteria under this bylaw and the other Zoning Bylaws.</p> <p><b>[pp.46,47]</b></p>		
	<p><b>6412.</b> Applicant must provide documentation to the satisfaction of the Planning Board that alternatives in the higher priority locations are not feasible, if a lower priority location is proposed.</p> <p><b>[p.47]</b></p>		
	<p><b>6420. Definitions.</b> The following definitions are exclusive to this Section 6400.</p>		<p>Section 2 Definitions</p> <p>WIRELESS COMMUNICATIONS, the following terms and definitions pertain to wireless communications:</p>

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<p><b>Antenna</b> means the device that transmits and/or receives radio frequency emissions in free space. Antenna can be modified by the addition of a clarifying term, such as GPS Antenna, or Personal Wireless Service Antenna, that delineates the specific type or purpose of the Antenna.</p> <p><b>Antenna Support Structure</b> means any structure whose purpose is primarily to support an Antenna, which includes such structures as Towers, masts, posts, poles, and the like.</p> <p><b>Base Station</b> means the equipment for one or more personal wireless services installed at a site to transmit and receive wireless communications. Typically, a Base Station is connected to a set of wireless antennas at the site of the Base Station, except in the case of the Base Station for a Distributed Antenna System, which is housed remotely from the antennas.</p> <p><b>Base Station Facility</b> means the place within which one or more wireless services install Base Stations that support the operation of a Distributed Antenna System without relying on wireless antennas at the site of the Base Station Facility.</p> <p><b>Distance</b> means measured on a horizontal plane.</p> <p><b>Distributed Antenna System ("DAS")</b> means a geographically diversified Wireless Communications Facility with which the Base</p>	<p><b>ANTENNA:</b> The device that transmits and/or receives radio frequency emissions in free space. Antenna can be modified by the addition of a clarifying term, such as GPS Antenna, or Personal Wireless Service Antenna, that delineates the specific type or purpose of the Antenna.</p> <p><b>ANTENNA SUPPORT STRUCTURE:</b> Any structure whose purpose is primarily to support an Antenna, which includes such structures as Towers, masts, posts, poles, and the like.</p> <p><b>BASE STATION:</b> The equipment for one or more personal wireless services installed at a site to transmit and receive wireless communications. Typically, a Base Station is connected to a set of wireless antennas at the site of the Base Station, except in the case of the Base Station for a Distributed Antenna System, which is housed remotely from the antennas.</p> <p><b>BASE STATION FACILITY:</b> The place within which one or more wireless services install Base Stations that support the operation of a Distributed Antenna System without relying on wireless antennas at the site of the Base Station Facility.</p> <p><b>DISTRIBUTED ANTENNA SYSTEM ("DAS"):</b> A geographically diversified Wireless Communications Facility with which the Base Station equipment is located remotely from the</p>
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<p>Station equipment is located remotely from the facility's antennas. Typically, the Base Station is contained in a Base Station Facility at one location, and the antennas are placed on utility poles at other locations; the antennas are driven by Radio Access Nodes ("RAN"), which are electronics cabinets mounted on the utility poles, and are interconnected to the Base Station Facility by cables, usually fiber optic.</p> <p><b>Dwelling</b> means a building or portion thereof, designed exclusively for residential occupancy, including single family, two family or multiple family dwelling (apartment), but not including hotels and motels.</p> <p><b>FAA</b> means the Federal Aviation Administration.</p> <p><b>FCC</b> means the Federal Communications Commission.</p> <p><b>Height</b> means distance measured from the mean finished ground level at the base to the highest point on the structure.</p> <p><b>Nonresidential Structure</b> means a building, water Tower or other similar structure, but not a Dwelling.</p> <p><b>Personal Wireless Services</b> means the same as in 47 U.S.C. 332(c)(7)(C)(i), "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access</p>	<p>facility's antennas. Typically, the Base Station is contained in a Base Station Facility at one location, and the antennas are placed on utility poles at other locations; the antennas are driven by Radio Access Nodes ("RAN"), which are electronics cabinets mounted on the utility poles, and are interconnected to the Base Station Facility by cables, usually fiber optic.</p> <p>PERSONAL WIRELESS SERVICES: Means the same as in 47 U.S.C. 332(c)(7)(C)(i), "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services."</p>
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	<p>services.”</p> <p><b>Stealth Treatment</b> means any construction that is compatible with its surroundings that conceals or camouflages Antennas, wireless communications buildings, devices, facilities and/or Towers, such as, but not limited to: monopoles, trees, light poles, flag poles.</p> <p><b>Tower</b> means an Antenna Support Structure that measures twelve feet (12') or more in height and is used by a Personal Wireless Service Provider to provide Personal Wireless Services.</p> <p><b>Wireless Communications Building</b> means a building or structure built or occupied for the primary purpose of providing Personal Wireless Services.</p> <p><b>Wireless Communications Device</b> means any antenna, dish, appurtenance, wiring or equipment used by a Personal Wireless Service provider to provide Personal Wireless Services. This term does not include Towers or other structures intended to house or support Wireless Communications Devices. It also does not include Personal Wireless Service components placed within a building to serve the occupants of the building, as well as personal, portable, and mobile Personal Wireless Service devices.</p> <p><b>Wireless Communications Facility</b> means the installation consisting of any of the following at a site that is intended to provide Personal Wireless</p>		<p>STEALTH TREATMENT: Any construction that is compatible with its surroundings that conceals or camouflages Antennas, wireless communications buildings, devices, facilities and/or Towers, such as, but not limited to: monopoles, trees, light poles, flag poles.</p> <p>TOWER: An Antenna Support Structure that measures 12 feet or more in height and is used by a Personal Wireless Service Provider to provide Personal Wireless Services.</p> <p>WIRELESS COMMUNICATIONS BUILDING: A building or structure built or occupied for the primary purpose of providing Personal Wireless Services.</p> <p>WIRELESS COMMUNICATIONS DEVICE: Any antenna, dish, appurtenance, wiring or equipment used by a Personal Wireless Service provider to provide Personal Wireless Services. This term does not include Towers or other structures intended to house or support Wireless Communications Devices. It also does not include Personal Wireless Service components placed within a building to serve the occupants of the building, as well as personal, portable, and mobile Personal Wireless Service devices.</p> <p>WIRELESS COMMUNICATIONS FACILITY: The installation consisting of any of the following at a site that is intended to provide Personal Wireless Services: any and all</p>
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	<p>Services: any and all materials, equipment, buildings, Towers, Wireless Communications Devices and structures.</p> <p><b>[pp.47,48]</b></p>		<p>materials, equipment, buildings, Towers, Wireless Communications Devices and structures.</p> <p><b>[pp.18,19]</b></p>
	<p><b>6430. Siting and Height Requirements.</b></p> <p><b>a</b> Wherever feasible, Wireless Communications Devices shall be located on existing Towers, or other existing structures and be subjected to Stealth Treatment appropriate for the context of the facility.</p> <p><b>b.</b> Wireless communications facilities may be located on the same lot as other structures or uses lawfully in existence, subject to the provisions of Sections 6400.</p> <p><b>c.</b> The minimum distance from the base of a Tower, including Towers with Stealth Treatment to any property line, road, right-of-way, power line easement or railroad right-of-way shall be at least equal to the height of the Tower. The Planning Board may waive this requirement up to the district set-back upon findings that the waiver will result in a design more compatible with the surrounding area.</p> <p><b>d.</b> A Tower shall be setback a minimum distance of 400 feet from abutting Residential and Multifamily Districts, except that this distance may be reduced for Towers if the Planning Board finds that reduction in the setback distance would produce a better result (aesthetically) to the neighborhood than alternative proposals, but in no event shall the setback minimum distance be less than 100 feet, from Residential and Multifamily Districts. This Requirement shall supersede 6430.c, above, where applicable. This requirement may be waived subject to a grant of the</p>	<b>8.5.3.</b>	<p><b>Siting and Height Requirements.</b></p> <p>A. Wherever feasible, Wireless Communications Devices shall be located on existing towers or other existing structures and be subjected to stealth treatment appropriate for the context of the facility.</p> <p>B. Wireless communications facilities may be located on the same lot as other structures or uses lawfully in existence, subject to the provisions of Section 8.5.</p> <p>C. The minimum distance from the base of a tower, including towers with stealth treatment to any property line, road, right-of-way, power line easement, or railroad right-of-way shall be at least equal to the height of the Tower. The Planning Board may waive this requirement up to the front, side, or rear zoning district set-back upon findings that the waiver will result in a design more compatible with the surrounding area.</p> <p>D. A Tower shall be setback a minimum distance of 400 feet from an abutting residential district, except that this distance may be reduced for Towers if the Planning Board finds that reduction in the setback distance would produce a better result (aesthetically) to the neighborhood than alternative proposals, but in no event shall the setback minimum distance be less than 100 feet from a residential district. This requirement shall supersede Subsection C above, where applicable. This requirement may be waived subject to a grant of the Special Permit Waiver.</p> <p>E. The maximum allowed height of a tower shall not exceed 100 feet unless the applicant demonstrates that a greater height is required to allow for provision of the wireless</p>



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	<p>Special Permit Waiver in 6403.</p> <p>e. The maximum allowed height of a Tower shall not exceed one hundred (100) feet unless the applicant demonstrates that a greater height is required to allow for provision of the wireless communications services and the Planning Board finds that a height over 100 feet is desirable based on a balanced review of aesthetics and wireless coverage for the area.</p> <p><b>[pp.48, 49]</b></p>		<p>communications services and the Planning Board finds that a height over 100 feet is desirable based on a balanced review of aesthetics and wireless coverage for the area.</p> <p><b>[p.97]</b></p>
	<p><b>6440. Design Requirements.</b></p> <p>a. Wherever feasible and appropriate, wireless communications facilities, including their constituent Devices and Towers shall be subjected to Stealth Treatment appropriate for the context of the facility.</p> <p>b. All building mounted wireless communications devices that are visible from the ground or another property shall be designed and located so as to appear to be an integral part of the existing architecture of the building and shall be of colors that are compatible with those of the building or landscape.</p> <p>c. The wireless communications facility may be fenced to control access, as determined by the Planning Board. Fencing shall be compatible with and of similar materials and character of surrounding buildings, structures and neighborhood.</p> <p>d. There shall be no signs or advertisements at any wireless communications facility, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.</p>	<p><b>8.5.4.</b></p>	<p><b>Design Requirements</b></p> <p>A. Wherever feasible and appropriate, wireless communications facilities, including their constituent devices and towers, shall be subjected to stealth treatment appropriate for the context of the facility.</p> <p>B. All building-mounted wireless communications devices that are visible from the ground or another property shall be designed and located so as to appear to be an integral part of the existing architecture of the building and shall be of colors that are compatible with those of the building or landscape.</p> <p>C. The wireless communications facility may be fenced to control access, as determined by the Planning Board. Fencing shall be compatible with and of similar materials and character of surrounding buildings, structures and neighborhood.</p> <p>D. There shall be no signs or advertisements at any wireless communications facility, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.</p> <p>E. If a building is needed for the equipment associated with the use of the device, that building shall be of similar style and materials as the other buildings on the site, or</p>

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	<p>e. If a building is needed for the equipment associated with the use of the device, said building shall be of similar style and materials as the other buildings on the site, or nearby site, as determined by the Planning Board.</p> <p><b>[p. 49]</b></p>		<p>nearby site, as determined by the Planning Board.</p> <p><b>[pp. 97, 98]</b></p>
	<p><b>6450. Application Process.</b> The Planning Board encourages applicants for this Special Permit to have a preliminary discussion with the Board prior to a formal application submittal. Applications for a special permit for siting wireless communications facilities shall be filed in accordance with Section 9300 Special Permits, and shall further include the following:</p> <p>a. Location of the Wireless Communications Facility, and its components, such as Base Station Equipment, Antennas, Tower or other Antenna Support Structure, cables, and the like.</p> <p>b. Plans for anchoring, attaching and supporting the structure and devices, including specifications of hardware and all other building material.</p> <p>c. Plans for accessory buildings.</p> <p>d. Layout and details of surfacing for access road and parking.</p> <p>e. Amenities such as lighting, fencing and landscaping.</p> <p>f. Three (3) view lines from most visible locations within in a one mile radius of the site, plus additional view lines from any historic, scenic or other prominent areas of Town determined by the Planning Board. View lines shall, to the extent feasible, be taken from existing vantage points commonly used by</p>	<p><b>8.5.5.</b></p>	<p><b>Application Process</b></p> <p>A. The Planning Board encourages applicants for a Special Permit under this Section 8.5 to have a preliminary discussion with the Board before submitting a formal application. Applications for a special permit for siting wireless communications facilities shall be submitted in accordance with Section 3.5 Special Permits, and additionally to the Board of Selectmen and Town Manager, and shall further include the following:</p> <p>1. To site a wireless communications facility at an existing tower or nonresidential structure, the applicant shall be required to comply with Sections 8.5.5 herein above, except that the Planning Board may waive some of the requirements if it finds that they are not applicable or not reasonably necessary to evaluating the proposal.</p> <p><b>[p.98]</b></p>

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	<p>the public, such as public ways, buildings or facilities. The submittal shall include unaltered photographs taken from eye level, five feet (5') above grade, which show the existing condition of these view lines, as well as accurate scale perspective elevation drawings, computer-altered photographs or other accurate representations showing view lines with the facility in place. Photographic simulations shall be rendered from locations as recommended by the Planning Board. The Visibility Analysis of the facility shall include a Visibility Map prepared by a qualified professional that indicates geographically where the Antenna Support Structure and/or Antennas will be visible year-round and seasonally.</p> <p><b>g.</b> A map showing the existing coverage of the Personal Wireless Service in the area surrounding the proposed facility; and a map showing existing plus proposed coverage from the proposed facility. The maps should be accompanied by a scale, a legend, and a detailed explanation of what the maps show as well as why the particular coverage thresholds were selected.</p> <p><b>h.</b> A locus map at a suitable scale to clearly indicate the proposed Tower site, and shall include street, building structures, and landscape features within a 300 foot radius of the Tower site.</p> <p><b>i.</b> A narrative report written by the carrier and qualified engineering or other professionals, acceptable to the Planning Board, which shall:</p> <ol style="list-style-type: none"> <li>1. Describe the justification and need of proposed site demonstrating a significant gap in coverage.</li> <li>2. Describe the capacity of the structure, including the number and type of additional facilities and</li> </ol>		
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	<p>antennas it can accommodate.</p> <p><b>3.</b> Describe special design features to minimize the visual impact of the proposed wireless communications facility.</p> <p><b>4.</b> State whether a stealth treatment appropriate to the context of the facility is proposed and if not, the reason why such treatment is not feasible or appropriate.</p> <p><b>5.</b> Information including: manufacturer's product literature or photos of existing Towers that illustrate the characteristics of equipment, cabling or antennas that would be exposed to public view.</p> <p><b>j.</b> List of all other approvals and all other necessary permits needed for construction and operation.</p> <p><b>k.</b> As determined by the Planning Board, the applicant shall arrange to fly a balloon of at least 4 feet in diameter at the site of a proposed wireless Antenna Support structure at the maximum height of the proposed installation.</p> <p><b>[pp.49, 50]</b></p>		
	<p><b>6451.</b> To site a wireless communications facility at an existing Tower or nonresidential structure, the applicant shall be required to comply with Sections 6450 herein above, except that the Planning Board may waive some of said requirements if it finds that they are not applicable or not reasonably necessary to evaluating the proposal. It is encouraged that applicants for collocation have a preliminary discussion with the Planning Board.</p> <p><b>[p.50]</b></p>		
	<p><b>6452.</b> The above information shall be submitted in accordance with Section 9300, and additionally to</p>		

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	the Board of Selectmen and the Town Manager. <i>[p.51]</i>		
	<p><b>6460. Approval.</b></p> <p><b>6461.</b> The Planning Board may grant a special permit for a wireless communications facility only upon making the findings required by M.G.L. c. 40A, s. 9 and the following:</p> <ul style="list-style-type: none"> <li>a. That the applicant has demonstrated to the satisfaction of the Planning Board that the requirements of this Section 6400 have been met.</li> <li>b. That the size and height of the structure are the minimum necessary, taking into account the applicant's objectives and any proposed collocation.</li> <li>c. That adverse impact on adjacent properties, residential neighborhoods, historic and artistic structures or scenic views is minimized to the extent practical.</li> <li>d. That there will be no nuisance or serious hazard associated with the use.</li> <li>e. That any reasonable alternatives identified in the pre-application meeting have been determined not to be preferable or feasible.</li> </ul> <p><i>[p.51]</i></p>	<b>8.5.6</b>	<p><b>Approval</b></p> <p>A. The Planning Board may grant a special permit for a wireless communications facility only upon making the findings required by G.L. c. 40A, § 9 and the following:</p> <ul style="list-style-type: none"> <li>1. That the applicant has demonstrated to the satisfaction of the Planning Board that the requirements of this Section 8.5 have been met.</li> <li>2. That the size and height of the structure are the minimum necessary, taking into account the applicant's objectives and any proposed collocation.</li> <li>3. That adverse impact on adjacent properties, residential neighborhoods, historic and artistic structures or scenic views is minimized to the extent practical.</li> <li>4. That there will be no nuisance or serious hazard associated with the use.</li> <li>5. That any reasonable alternatives identified in the pre-application meeting have been determined not to be preferable or feasible.</li> </ul> <p><i>[p.98]</i></p>
	<p><b>6462.</b> When suitable and appropriate as determined by the Planning Board, collocation is encouraged. As a condition of the special permit for a wireless communication facility, the Planning Board may require that the structure and/ or facility be designed and built so that it is able to accommodate future wireless communications</p>		<p>B. When suitable and appropriate as determined by the Planning Board, collocation is encouraged. As a condition of the special permit for a wireless communication facility, the Planning Board may require that the structure and/ or facility be designed and built so that it is able to accommodate future wireless communications devices operated by another carrier with</p>

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	<p>devices operated by another carrier with little or no modification, provided that such collocation does not materially interfere with the transmission or reception of communications signals to or from the existing facility, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional wireless communications device. At the request of Town officials, the Planning Board may require the applicant to provide reasonable access to the facility for municipal communications.</p> <p><b>6463.</b> Any expansion or extension of wireless communications facilities or construction of new or replacement Towers or facilities shall require an amendment to the special permit. An increase in the number of antennas or the size of the antennas beyond that applied for and approved in the special permit, if such antennas are visible or if it changes the character of the stealth treatment, also requires amendment to the special permit.</p> <p><b>[p.51]</b></p>		<p>little or no modification, provided that collocation does not materially interfere with the transmission or reception of communications signals to or from the existing facility, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional wireless communications device. At the request of Town officials, the Planning Board may require the applicant to provide reasonable access to the facility for municipal communications.</p> <p>C. Any expansion or extension of wireless communications facilities or construction of new or replacement towers or facilities shall require an amendment to the special permit. An increase in the number of antennas or the size of the antennas beyond that applied for and approved in the special permit, if the antennas are visible or if it changes the character of the stealth treatment, also requires amendment to the special permit.</p> <p><b>[pp.98, 99]</b></p>
	<p><b>6464.</b> Any special permit granted under this section shall automatically lapse within one (1) year of the date of the grant, not including the time required to pursue or await the termination of an appeal, if construction has not commenced, except if the applicant applies to the Planning Board and it determines good cause to grant an extension.</p>		<p>D. Any special permit granted under this section shall automatically lapse within three years of the date of the grant, not including the time required to pursue or await the termination of an appeal, if construction has not commenced, except if the applicant applies to the Planning Board and it determines good cause to grant a one-year extension.</p>

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	<b>[p.51]</b>		<b>[p99]</b>
	<p><b>6470. Conditions of Use.</b></p> <p><b>6471.</b> The applicant shall be required to maintain and keep in good repair all facilities, devices and Towers.</p> <p><b>6472.</b> Based on the nature of the facility, the Planning Board may require the applicant to post a bond for the removal of wireless communication Antenna Support Structures in the event of non-operation. The amount of the surety shall be established by a consultant for the Town, such as an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts as provided for in Section 6480.</p> <p><b>[pp.51,52]</b></p>	<b>8.5.7.</b>	<p><b>Conditions of Use</b></p> <p>A. The applicant shall be required to maintain and keep in good repair all facilities, devices and towers.</p> <p>B. Based on the nature of the facility, the Planning Board may require the applicant to post a bond for the removal of wireless communication antenna support structures in the event of non-operation. The amount of the surety shall be established by a consultant for the Town, such as an engineer, architect, or other qualified professional registered to practice in the Commonwealth of Massachusetts.</p> <p><b>[p.99]</b></p>
	<p><b>6480. Fees for Outside Consultants.</b> In addition to the special permit filing fees, the applicant shall pay reasonable fees and costs of retaining outside professional consultant services, including but not limited to professional review of the applicant's proposal by a professional or radio frequency engineer or other qualified professional, if such services are deemed necessary by the Planning Board, in accordance with M.G. L. c. 44, §53G.</p> <p><b>[p.52]</b></p>		
	<p><b>6490. Severability.</b> If any section or subsection of this Section 6400 is ruled invalid, such ruling will not</p>		

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	affect the validity of the remainder of the Section. [p.52]		
6500	<p><b>SPECIAL REQUIREMENTS FOR REGISTERED MARIJUANA DISPENSARIES</b></p> <p><b>6510. Purpose</b></p> <p><b>6511.</b> To provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under strict conditions in accordance with the passage of Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana.</p> <p><b>6512.</b> To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Dispensaries.</p> <p><b>6513.</b> To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.</p> <p><b>6520. Applicability</b></p> <p><b>6521.</b> The cultivation [unless it meets the requirements for an agricultural exemption under M.G.L. c.40A, § 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Registered Marijuana Dispensary under this Section 6500.</p>	<p><b>5.7</b></p> <p><b>5.7.1.</b></p> <p><b>5.7.2</b></p> <p><b>5.7.3.</b></p>	<p><b>MARIJUANA DISPENSARY OVERLAY DISTRICT Purpose</b></p> <p>A. To provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under strict conditions in accordance with the passage of Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana.</p> <p>B. To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools, and other places where children congregate, and other potentially incompatible land uses.</p> <p>C. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.</p> <p><b>5.7.2. District Boundaries</b> The boundaries of the Marijuana Dispensary Overlay District shall be as shown on the Zoning Map under Section 4.2.</p> <p><b>Applicability</b></p> <p>A. Unless exempt as an agricultural use under G.L. c. 40A, § 3, the cultivation, production, processing, assembly, packaging, retail or wholesale sale trade, distribution, or dispensing of marijuana for medical use is prohibited unless authorized under a Special Permit from the Planning</p>



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<p><b>6522.</b> No Registered Marijuana Dispensary shall be established except in compliance with the provisions of this Section 6500.</p> <p><b>6523.</b> Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.</p> <p><b>6530. Definitions</b></p> <p>Registered Marijuana Dispensary – A facility for the cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use, located inside a structure or building.</p> <p><b>Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Chapter 369 of the Acts of 2012.</b></p> <p>Marijuana – The same substance defined as “marihuana” under M.G.L. c.94C and 105 CMR 725.004.</p> <p><b>6540. Eligible Locations for Registered Marijuana Dispensaries.</b></p> <p><b>6541.</b> Registered Marijuana Dispensaries, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by Special Permit of the Tewksbury Planning</p>	<p>Board under this Section 5.7.</p> <p>B. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.</p> <p>MEDICAL MARIJUANA TREATMENT CENTER, also known as a Registered Marijuana Dispensary (RMD): A not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use. <b>[p.13]</b></p> <p><b>5.7.4. CANNABIS OR MARIJUANA OR MARIHUANA:</b> All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G,</p>
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<p>Board in the following locations, as further described in the Overlay Map for the Medical Marijuana Overlay District dated February 3, 2014 and provided the facility meets the requirements of this Section 6500:</p> <ul style="list-style-type: none"> <li>a) In the Commercial District on Rt. 38</li> <li>b) In a stand-alone single use facility</li> <li>c) Must be one thousand two hundred (1,200) feet from schools, churches, daycares or other locations that children generally congregate, provided that those facilities were at their current location prior to the effective date of this Bylaw.</li> </ul> <p><b>6550. General Requirements and Conditions for all Registered Marijuana Dispensaries.</b></p> <p><b>6551.</b> Only one non-exempt Registered Marijuana Dispensary shall be allowed in Town of Tewksbury (Town) and it shall be contained within a building or structure.</p> <p><b>6552.</b> No Registered Marijuana Dispensary shall have a gross floor area in excess of 5,000 square feet.</p> <p><b>6553.</b> A Registered Marijuana Dispensary may not be located in buildings that contain any medical doctors offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.</p> <p><b>6554.</b> The hour of operation of Registered Marijuana Dispensaries shall be set by the Special Permit Granting Authority, but in no event shall said</p>	<p>§ 1; provided that cannabis shall not include:</p> <ul style="list-style-type: none"> <li>(a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;</li> <li>(b) hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products. <b>[P.11]</b></li> </ul> <p><b>5.7.5. General Requirements and Conditions for all Registered Marijuana Dispensaries</b></p> <p>A. No Registered Marijuana Dispensary shall be located within 1,200 feet of any school, church, child care center, or other location where children generally congregate, provided these facilities existed in their current location prior to the effective date of this Bylaw.</p> <p>B. A Registered Marijuana Dispensary may not be located in buildings that contain any medical doctor's office or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.</p> <p>C. The hour of operation of Registered Marijuana Dispensaries shall be set by the Planning Board, but in no event shall they be open or operating between the hours of 8:00 PM and 8:00 AM.</p> <p>D. No smoking, burning, or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a</p>
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<p>Dispensaries be open and/or operating between the hours of 8:00 PM and 8:00 AM.</p> <p><b>6555.</b> No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Registered Marijuana Dispensary.</p> <p><b>6556.</b> No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels, hotels and dormitories, or inside a movable or mobile vehicles such as a van or truck.</p> <p><b>6557.</b> Signage for the Registered Marijuana Dispensary shall include the following language: "Registration card issued by the Massachusetts Department of Public Health required." The required text shall be a minimum of two inches in height.</p> <p><b>6558.</b> Registered Marijuana Dispensaries shall provide the Tewksbury Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the dispensary.</p> <p><b>6560. Special Permit Requirements</b></p> <p><b>6561.</b> A Registered Marijuana Dispensary may only be allowed by special permit from the Tewksbury Planning Board acting as the</p>	<p>Registered Marijuana Dispensary.</p> <p>E. No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels, hotels and dormitories, or inside a movable or mobile vehicle such as a van or truck.</p> <p>F. Signage for the Registered Marijuana Dispensary shall include the following language: "Registration card issued by the Massachusetts Department of Public Health required." The required text shall be a minimum of two inches in height.</p> <p>G. Registered Marijuana Dispensaries shall provide the Tewksbury Police Department, Building Commissioner, and the Planning Board with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the dispensary.</p> <p><b>Special Permit Requirements</b></p> <p>A. A Registered Marijuana Dispensary may only be allowed by special permit from the Planning Board acting in accordance with Section 3.5 of this Bylaw and G.L. c. 40A, § 9, subject to the following statements, regulations, requirements, conditions and limitations.</p> <p>B. A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Planning Board:</p> <p>1. Cultivation of Marijuana for Medical Use (horticulture) [special permit not required for sites meeting agricultural exemption standards found in G.L. c. 40A, § 3];</p>
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	<p>Special Permit Granting Authority in accordance with M.G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.</p> <p><b>6562.</b> A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:</p> <ul style="list-style-type: none"> <li>a) cultivation of Marijuana for Medical Use (horticulture) [special permit not required for sites meeting agricultural exemption standards found in M.G.L. c40A, § 3];</li> <li>b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;</li> <li>c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;</li> <li>d) wholesale sale of Marijuana for Medical Use to other Registered Marijuana Dispensaries located in Town or in another municipality in Massachusetts.</li> </ul> <p><b>6563.</b> In addition to the application requirements set forth in Sections 6550 and 6560 of this Bylaw, a special permit application for a Registered Marijuana Dispensary shall include the following:</p> <ul style="list-style-type: none"> <li>a) the name and address of each owner of the dispensary;</li> <li>b) copies of all required licenses and permits issued to the applicant by the Commonwealth</li> </ul>	<p><b>5.7.6.</b></p>	<ul style="list-style-type: none"> <li>2. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;</li> <li>3. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients; and,</li> <li>4. Wholesale sale of Marijuana for Medical Use to other Registered Marijuana Dispensaries located in Town or in another municipality in Massachusetts.</li> </ul> <p>C. In addition to the application requirements normally required for a special permit under Section 3.5, a special permit application for a Registered Marijuana Dispensary shall include the following:</p> <ul style="list-style-type: none"> <li>1. The name and address of each owner of the dispensary;</li> <li>2. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the dispensary;</li> <li>3. Evidence of the Applicant's right to use the site for the dispensary, such as a deed, or lease;</li> <li>4. If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of the entities until the disclosure contains the</li> </ul>
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	<p>of Massachusetts and any of its agencies for the dispensary;</p> <p>c) evidence of the Applicant's right to use the site for the dispensary, such as a deed, or lease;</p> <p>d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;</p> <p>e) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;</p> <p>f) Proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. These security measures shall be reviewed and approved by the Police Chief and Fire Chief or their designees.</p> <p><b>6564.</b> Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:</p>	<p><b>5.7.7.</b></p> <p><b>5.7.8.</b></p>	<p>names of individuals;</p> <p>5. A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the Town and certified by the Town Assessor; and,</p> <p>6. Proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. These security measures shall be reviewed and approved by the Police Chief and Fire Chief or their designees.</p> <p>D. Mandatory Findings. The Planning Board shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:</p> <p>1. The dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;</p> <p>2. The dispensary is fully permitted by all applicable agencies of the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations; and</p> <p>3. The applicant has satisfied all of the conditions and requirements of this Section 5.7.</p> <p><b>Annual Reporting</b></p> <p>Each Registered Marijuana Dispensary permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Planning Board and the Town Clerk no later than January 31, providing a copy</p>
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	<p>a) the dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;</p> <p>b) the dispensary is fully permitted by all applicable agencies of the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations; and</p> <p>c) the applicant has satisfied all of the conditions and requirements of Sections 6550 and 6560 herein;</p> <p><b>6565.</b> Annual Reporting. Each Registered Marijuana Dispensary permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses required under 105 CMR 725.000 for the dispensary and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.</p> <p><b>6566.</b> A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of Registered Marijuana Dispensary at the premises. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section 6500.</p>	<p>of all current applicable state licenses required under 105 CMR 725.000 for the dispensary and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.</p> <p><b>Duration of Special Permit</b></p> <p>A. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of Registered Marijuana Dispensary at the premises. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit with all information required in this Section 5.7.</p> <p>B. Any violation of this Section 5.7 or any other state regulations or state laws shall be grounds for revocation of a special permit issued under this Section.</p> <p><b>Abandonment or Discontinuance of Use</b></p> <p>A. A special permit shall lapse if not exercised within one year of grant of special permit.</p> <p>B. A Registered Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:</p> <ol style="list-style-type: none"> <li>1. Prior to surrendering its state issued licenses or permits; or,</li> <li>2. Within six months of ceasing operations; whichever comes first.</li> </ol> <p>C. In the event the property ceases to be actively used as a Registered Marijuana Dispensary and/or any other allowed use under this bylaw, any and all signs identifying or promoting the property for such uses shall be immediately removed. This shall include exterior and</p>
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	<p><b>6567.</b> Any violation of this Section 6500 or any other state regulations or state laws shall be grounds for revocation of a special permit issued under this Section.</p> <p><b>6570. Abandonment or Discontinuance of Use</b></p> <p><b>6571.</b> A Special Permit shall lapse if not exercised within one year of grant of special permit.</p> <p><b>6572.</b> A Registered Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:</p> <ul style="list-style-type: none"> <li>a) prior to surrendering its state issued licenses or permits; or</li> <li>b) within six months of ceasing operations; whichever comes first.</li> </ul> <p><b>6573.</b> In the event the property ceases to be actively used as a Registered Marijuana Dispensary and/or any other allowed use under this bylaw, any and all signs identifying or promoting the property for such uses shall be immediately removed. This shall include exterior and interior signs visible to the public. Should said signage fail to be removed within thirty (30) calendar days, the Town, or its designee shall have the right to enter upon the property and takes such actions as are necessary to remove, cover, or otherwise render any such signage non-visible to the public. The Town shall not be responsible for</p>		<p>interior signs visible to the public.  <b>[pp.48-50]</b></p>
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	<p>any damage cause to the property in association with carrying said actions. Any costs incurred by the Town for such actions shall be the responsibility of the property owner.</p> <p><b>6580. Severability.</b> If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this Bylaw shall not affect the validity of the remainder of the Tewksbury Zoning Bylaw.</p> <p><i>[pp.51-55]</i></p>		
6600	<p><b>LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC FACILITIES</b></p> <p><b>6601. Purpose.</b> The purpose of this Section 6600 is to regulate the creation of new large- scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning and removal of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.</p>	7.4	<p><b>LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC FACILITIES</b></p> <p><b>7.4.1.Purpose</b> The purpose of this Section 7.4 is to regulate the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning and removal of these installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.</p>



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<p><b>6602. Applicability.</b> This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. A Large-scale Ground Mounted Solar Photovoltaic Facility shall be defined as a Solar Photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250 kW DC. There shall be no ground mounted Solar Photovoltaic system allowed unless as permitted in this Bylaw.</p> <p><b>6603. General requirements for all large-scale solar power generation installations.</b> The following requirements are common to all solar photovoltaic installations to be sited in specific designated locations.</p> <p>a. Compliance with laws, bylaws and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with, and insofar as pertinent, compliant with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code in</p>	<p><b>7.4.2. Applicability</b> This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. A Large-scale Ground Mounted Solar Photovoltaic Facility shall be defined as a Solar Photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. There shall be no ground mounted Solar Photovoltaic system allowed unless as permitted in this Bylaw.</p> <p><b>7.4.3. General Requirements for All Large-Scale Solar Power Generation Installation</b> The following requirements are common to all solar photovoltaic installations to be sited in specific designated locations.</p> <p>A. Compliance with laws, bylaws ,and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with, and insofar as pertinent, compliant with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code in force and applicable at any relevant time.</p> <p>B. Building permit and building inspection. No</p>
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<p>force and applicable at any relevant time.</p> <p>b. Building permit and building inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section, nor shall construction or installation be commenced without first obtaining the necessary or appropriate permits.</p> <p>c. Site Plan Special Permit. All large-scale ground-mounted solar photovoltaic installations shall require a Site Plan Special Permit from the Planning Board prior to the issuance of a building permit.</p> <p>d. General. All applications for a large-scale ground-mounted solar photovoltaic installation shall be submitted in accordance with the Planning Board's Rules and Regulations Governing Site Plans as may be amended from time to time. All substantive plans or other technical documents submitted in support of the application shall have been prepared by engineers or surveyors licensed to practice in Massachusetts.</p> <p><b>6604. Additional information.</b> An addition to the information required for a Site Plan application, the following additional information shall be submitted for each large-scale ground-mounted solar photovoltaic installation:</p> <p>f. Drawings of the solar photovoltaic</p>	<p>large-scale ground-mounted solar photovoltaic installation shall be constructed, installed, or modified as provided in this section, nor shall construction or installation be commenced without first obtaining the necessary or appropriate permits.</p> <p>C. Special Permit. All large-scale ground-mounted solar photovoltaic installations shall require a special permit from the Planning Board prior to the issuance of a building permit.</p> <p>D. General. All applications for a large-scale ground-mounted solar photovoltaic installation shall be submitted in accordance with the Planning Board's rules and regulations governing site plans as may be amended from time to time. All substantive plans or other technical documents submitted in support of the application shall have been prepared by engineers or surveyors licensed to practice in Massachusetts.</p> <p><b>7.4.4. Additional Information</b> In addition to the information required for a site plan application, the following additional information shall be submitted for each large-scale ground-mounted solar photovoltaic installation:</p>
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	<p>installation showing the proposed layout of the system and any potential shading from nearby structures.</p> <p>g. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.</p> <p>h. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.</p> <p>i. Name, address, and contact information for proposed system installer.</p> <p>j. The name, contact information and signature of any agents representing the applicant in connection with the Special Permit application process, or general project oversight following the issuance of any special permit.</p> <p>k. Documentation of actual or prospective access and control of the project site (see also Section 6605).</p> <p>l. An operation and maintenance plan (see also Section 6606).</p> <p>m. Description of financial surety that satisfies Section 6614.</p> <p>n. Vegetated buffer plan showing size,</p>		<p>A. Drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures;</p> <p>B. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;</p> <p>C. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;</p> <p>D. Name, address, and contact information for proposed system installer;</p> <p>E. The name, contact information, and signature of any agents representing the applicant in connection with the special permit application process, or general project oversight following the issuance of any special permit;</p> <p>F. Documentation of actual or prospective access and control of the project site</p> <p>G. An operation and maintenance plan;</p> <p>H. Description of financial surety;</p>
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	<p>type and amount of trees/shrubs to be installed to protect street(s) and residential homes from view of site, which buffer as approved within the reasonable discretion of the Special Permit granting authority, is hereby required for any installation pursuant to this section.</p> <p><b>6605. Site Control.</b> The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation. Fencing, if installed, shall be compatible with the scenic character of the Town and satisfactory to the Planning Board, and shall not consist of barbed wire or razor wire.</p> <p><b>6606 Operations and Maintenance Plan.</b> The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation as well as general procedures for operational maintenance of the installation and emergency shutdown of the site if needed.</p> <p><b>6607. Utility Notification.</b> No large-scale ground-mounted solar photovoltaic installation shall be approved by the Planning Board until</p>	<p>I. Vegetated buffer plan showing size, type, and amount of trees/shrubs to be installed to protect street(s) and residential homes from view of site, which buffer as approved within the reasonable discretion of the Planning Board, is hereby required for any installation pursuant to this section;</p> <p>J. Site Control. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation. Fencing, if installed, shall be subject to approval by the Planning Board, and shall not consist of barbed wire or razor wire;</p> <p>K. Operations and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation as well as general procedures for operational maintenance of the installation and emergency shutdown of the site if needed and,</p> <p>L. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be approved by the Planning Board until satisfactory evidence has been</p>
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<p>satisfactory evidence has been submitted to the Planning Board that the electric utility has been informed of the applicant's intent to install an interconnected customer-owned generator.</p> <p><b>6608. Dimension and Density Requirements.</b> For large-scale ground-mounted solar photovoltaic installations, the following dimensional requirements shall apply;</p> <ul style="list-style-type: none"> <li>a. The minimum lot or parcel size for any installation shall be <b>twenty acres</b>.</li> <li>b. Setbacks: 50 foot front, and 20 side and rear yard setbacks, provided that such setbacks shall be 200 feet to any adjoining residential lot line unless waived by the Planning Board based upon findings of sufficient buffering and screening and a determination that the waiver is in the best interest of the Town.</li> <li>c. Height: The height of any or all structures comprising the large-scale ground-mounted solar photovoltaic facility shall not exceed 20 feet above the pre-existing natural grade underlying each particular structure unless waived by the Planning Board based upon findings of sufficient buffering and screening and a determination that the waiver is in the best interest of the Town.</li> </ul> <p><b>6609. Appurtenant Structures.</b> All structures appurtenant to large-scale ground-mounted</p>	<p>submitted to the Planning Board that the electric utility has been informed of the applicant's intent to install an interconnected customer-owned generator.</p> <p><b>7.4.5. Dimension and Density Requirements</b> For large-scale ground-mounted solar photovoltaic installations, the following dimensional requirements shall apply.</p> <ul style="list-style-type: none"> <li>A. Lot Area: The minimum lot or parcel size for any installation shall be <b>five acres</b>.</li> <li>B. Setbacks: 50 feet front and 20 feet side and rear yard setbacks are required, provided that setbacks shall be 200 feet from any adjoining residential lot line unless waived by the Planning Board based upon findings of sufficient buffering and screening and a determination that the waiver is in the best interest of the Town.</li> <li>C. Height: The height of any or all structures comprising the large-scale ground-mounted solar photovoltaic facility shall not exceed 20 feet above the pre-existing natural grade underlying each particular structure unless waived by the Planning Board based upon findings of sufficient buffering and screening and a determination that the waiver is in the best interest of the Town.</li> </ul> <p><b>7.4.6. Appurtenant Structures</b> All structures appurtenant to large-scale ground-mounted solar photovoltaic installations shall be subject to the</p>
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<p>solar photovoltaic installations shall be subject to the dimensional requirements of the zoning district in which they are located. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible and harmonious with each other. Whenever feasible, in the reasonable opinion of the Planning Board, structures should be sheltered from view by vegetation and/or joined or clustered to avoid adverse visual impacts.</p> <p><b>6610. Design Standards.</b> The following standards shall apply to all large-scale ground-mounted solar photovoltaic installations in addition to those contained in the Rules and Regulations Governing Site Plans.</p> <p>a. <b>Signage.</b> Signs on large-scale ground-mounted solar photovoltaic installations shall comply with all provisions of this Zoning Bylaw relative to signs. A sign consistent with said provisions shall be required to identify the owner of the premises, as well as the operator of the solar photovoltaic installation, if different from the owner, and provide a twenty-four-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.</p>	<p>dimensional requirements of the zoning district in which they are located. All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible and harmonious with each other. Whenever feasible, in the reasonable opinion of the Planning Board, structures should be sheltered from view by vegetation and/or joined or clustered to avoid adverse visual impacts.</p> <p><b>7.4.7. Design Standards</b></p> <p>The following standards shall apply to all large-scale ground-mounted solar photovoltaic installations in addition to those contained in the Rules and Regulations Governing Site Plans.</p> <p><b>A. Signage.</b> Signs on large-scale ground-mounted solar photovoltaic installations shall comply with all provisions of this Zoning Bylaw relative to signs. A sign consistent with these provisions shall be required to identify the owner of the premises, as well as the operator of the solar photovoltaic installation, if different from the owner, and provide a twenty-four-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.</p>
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<p>b. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the electric utility. If an existing above ground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility concerned with the project.</p> <p>c. Glare. The plan shall show how the abutting properties and local traffic will be protected from glare or reflected light from the installation.</p> <p><b>6611. Safety and Environmental Standards.</b></p> <p>a. Emergency services. The large-scale solar photovoltaic installation applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief and concerned electric utility. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the</p>	<p><b>B. Utility connections.</b> Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the electric utility. If an existing above ground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility concerned with the project.</p> <p><b>C. Glare.</b> The plan shall show how the abutting properties and local traffic will be protected from glare or reflected light from the installation.</p> <p><b>7.4.8. Safety and Environmental Standards</b></p> <p>A. Emergency services. The large-scale solar photovoltaic installation applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief and concerned electric utility. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The applicant shall identify a responsible person for public inquiries throughout the life of the installation.</p>
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	<p>solar photovoltaic installation shall be clearly marked. The applicant shall identify a responsible person for public inquiries throughout the life of the installation.</p> <p>b. Solar photovoltaic installation conditions. The large-scale ground-mounted solar photovoltaic installation applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The applicant shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.</p> <p><b>6612. Abandonment or Decommissioning.</b> Any large-scale ground-mounted solar photovoltaic installation that has reached the end of its useful life or has been abandoned consistent with Subsection 6613 of this section shall be removed. The applicant shall physically remove the installation no more than 150 days after the date of discontinued operations. The applicant shall notify the Planning Board by certified mail of the</p>		<p>B. Solar photovoltaic installation conditions. The large-scale ground-mounted solar photovoltaic installation applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The applicant shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.</p> <p><b>7.4.9. Abandonment or Decommissioning</b> Any large-scale ground-mounted solar photovoltaic installation that has reached the end of its useful life or has been abandoned consistent with Subsection 7.5.10 of this section shall be removed. The applicant shall physically remove the installation no more than 150 days after the date of discontinued operations. The applicant shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of all of the following:</p>
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<p>proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:</p> <ul style="list-style-type: none"> <li>a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.</li> <li>b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.</li> <li>c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to existing vegetation. All disturbed areas shall be covered with a minimum of six inches of good quality top soil before seeding.</li> </ul> <p><b>6613. Abandonment.</b> Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances deemed reasonable by the written acknowledgment of the Planning Board, which shall not be unreasonably refused, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The</p>	<ul style="list-style-type: none"> <li>A. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.</li> <li>B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.</li> <li>C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to existing vegetation. All disturbed areas shall be covered with a minimum of six inches of good quality top soil before seeding.</li> </ul> <p><b>7.4.10. Abandonment</b> Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances deemed reasonable by the written acknowledgment of the Planning Board, which shall not be unreasonably refused, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The failure to operate shall be conclusively determined based on the records showing the power supplied by the installation to the grid. If the applicant of the large-scale</p>
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<p>failure to operate shall be conclusively determined based on the records showing the power supplied by the installation to the grid. If the applicant of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.</p> <p><b>6614. Financial Surety.</b> As a condition of the Site Plan Special Permit, the Planning Board shall require the applicant to provide surety in an amount approved by the Planning Board to be necessary to ensure the proper removal of the installation. The form of the surety shall be through an escrow account, surety bond, or other means of like character acceptable to the Planning Board. The amount of the surety shall be based on a fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation or the increased market rate cost of the equipment and services necessary to achieve the removal and site restoration. In no case shall the amount of the surety exceed 125% of the cost of removal and compliance with the additional requirements set forth</p>	<p>ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may order the removal of the installation.</p> <p><b>7.4.11. Financial Surety</b> As a condition of the Special Permit, the Planning Board shall require the applicant to provide surety in an amount approved by the Planning Board to be necessary to ensure the proper removal of the installation. The form of the surety shall be through an escrow account, surety bond, or other means of like character acceptable to the Planning Board. The amount of the surety shall be based on a fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation or the increased market rate cost of the equipment and services necessary to achieve the removal and site restoration. In no case shall the amount of the surety exceed 125 percent of the cost of removal and compliance with the additional requirements set forth herein. A surety shall not be required for municipally or state-owned facilities.</p> <p><b>[pp.82-85]</b></p>
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	<p>herein. Such surety will not be required for municipally or state-owned facilities.</p> <p><b>[pp.56-60]</b></p>		
<b>6700</b>	<p><b>WESTSIDE NEIGHBORHOOD BUSINESS DISTRICT</b></p> <p><b>6701. Purpose.</b> The purposes of the Westside Neighborhood Business District (WNBD) are to:</p> <ul style="list-style-type: none"> <li>a) Acknowledge that the Woburn Street corridor serves both the residential and commercial west-side neighborhoods as well as users of Interstate I-495 and the Commuter Train Station nearby on the same corridor in the Billerica.</li> <li>b) Promote compact development that is pedestrian-oriented;</li> <li>c) Minimize impacts on public services and maximize the efficient use of public infrastructure; and</li> <li>d) Increase the town's tax base by creating a supportive, well designed small business and services environment, while attracting new investment and promoting economic development on larger sites.</li> </ul> <p>The following bylaw is intended to support the goals, objectives and recommendations outlined in the Town's Master Plan, and the Town of Tewksbury Affordable Housing Plan and Housing Production Strategy.</p> <p><b>6702. Boundaries.</b> The boundaries of the Westside Neighborhood Business District are shown on the</p>	<b>5.2.2</b>	<p><b>D. Westside Neighborhood Business (WNB).</b> The Westside Neighborhood Business district is located along the Woburn Street corridor, which services neighborhoods as well as commuter traffic using Interstate I-495 and the commuter train station nearby in the Billerica. This district is intended to promote well-designed, pedestrian-friendly small business development, attract new investment in larger sites along the corridor, and support the Town's tax base.</p> <p><b>[p.31]</b></p> <p><b>SEE SECTION 4.2 ZONING MAP</b> <b>[p.29]</b></p>

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<p>Zoning Map, on file in the office of the Town Clerk.</p> <p><b>6703. Use Regulations and Definitions.</b> Uses found in Appendix A.</p> <p><b>6704. Prohibited Uses.</b> Section 3105 and Section 3230 govern prohibited uses and accessory uses in addition to uses not allowed in Appendix A for the Westside Neighborhood District.</p> <p><b>6705. Site Plan Special Permit.</b> As required in Section 9400 of the Zoning Bylaw.</p> <p><b>6706. Concept Plan.</b> Prior to the application for approval of any Special Permit in the WNBD, a preliminary plan called a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the purposes of Section 6701 and shall include: (a) a site development plan showing the location and footprint(s) of all proposed buildings, changes in grading and topography, parking, landscaping, roads, walkways and access ways, open space, and wetlands; (b) a utilities plan showing the proposed location and types of water, wastewater and stormwater facilities, including hydrants; (c) a lighting plan; (d) a sign plan; and, (e) subdivision plan(s), if applicable. The Planning Board may solicit public comment on the Concept Plan. Any comments of the Planning Board on the Concept Plan shall be advisory in nature only and shall be without binding effect on either the Planning Board or the Applicant.</p> <p><b>6707. Dimensional Requirements</b> are as found in Appendix B of the Tewksbury Zoning Bylaw. The Planning Board, in considering a project under a Site</p>	<p><b>SEE SECTION 5.4.3 TABLE OF USES (APPENDIX A)</b> <b>[p.38]</b></p> <p><b>SEE SECTION 5.4.2 PROHIBITED USES</b> <b>[p.37]</b></p> <p><b>SEE SECTION 3.6 SITE PLAN REVIEW</b> <b>[pp.21-26]</b></p> <p><b>SEE SECTION 5.3.3.A</b> <b>[pp.34-35]</b></p>
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	<p>Plan Special Permit issued pursuant to Section 6705 of the Westside Neighborhood District (WNBD), may allow for waivers of Appendix B, Table of Dimensional Requirements, by means of a special permit. The waiver request must be specific in nature and the Planning Board must make specific findings to waive this requirement to the degree that it shall deem reasonable. Consideration will be given as to the necessity to meet the realistic requirements of the proposed development and satisfy the objectives of the Zoning Bylaw. The Planning Board will base its findings on the stated purposes of Section 6701 of the bylaw.</p> <p><b>6708. Parking Requirements</b> are as found in Appendix C of the Tewksbury Zoning Bylaw.</p> <p><i>[pp.60, 61]</i></p>		<p><b>SEE SECTION 6.1 OFF-STREET PARKING AND AREA REQUIREMENTS</b> <i>[pp. 51-60]</i></p>
6800	<p><b>RESTRICTIONS FOR RECREATIONAL MARIJUANA ESTABLISHMENTS</b></p> <p><b>6800.1 Marijuana Retailers-</b> Consistent with M.G.L.c.94G, § 3(a) (2), all types of marijuana retailers as defined in M.G.L. c.94G, § 1, including all types of licensed marijuana retail-related businesses, shall be prohibited within the Town.</p> <p><b>6800.2 Marijuana Establishments-</b> Consistent with M.G.L. c.94G, § 3(a) (2), all types of marijuana establishments as defined in M.G.L.c.94G, § 1, including marijuana cultivators, independent testing</p>	<p><b>5.4.2.</b></p> <p><b>8.7</b></p>	<p><b>Prohibited Uses</b></p> <p>D. Marijuana Retailers. Consistent with G.L. c. 94G, § 3(a)(2), all types of marijuana retailers as defined in G.L. c. 94G, § 1, including all types of licensed marijuana retail-related businesses, shall be prohibited within the Town.</p> <p><i>[p.37]</i></p> <p><b>Recreational Marijuana Establishments</b></p> <p><b>8.7.1. Purpose</b> It is recognized that the nature of the substance cultivated,</p>

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<p>laboratories, marijuana product manufacturers, and/or any other types of licensed non-retailer marijuana-related businesses, except however, marijuana retailers previously prohibited, shall be prohibited within the Town. This provision will expire December 31, 2019.</p> <p><b>[p.61]</b></p>	<p>processed, by marijuana establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well. The specific and separate regulation of Marijuana Establishments (hereafter also referred to as an ME) is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town.</p> <p>Subject to the provisions of this Bylaw, G.L. c. 40A, G.L. c. 94G and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation, product manufacturing of marijuana for recreational marijuana use in a manner that complies with state regulations.</p> <p><b>8.7.2. Applicability</b></p> <p>A. Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.</p> <p>B. This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to G.L. c.</p>
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			<p>128, Sections 116-123.</p> <p>8.7.3. Additional Requirements/Conditions</p> <p>In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments:</p> <p>A. Use:</p> <ol style="list-style-type: none"> <li>Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.</li> <li>No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.</li> <li>The hours of operation shall be set by the Planning Board, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.</li> <li>No marijuana establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.</li> </ol> <p>B. Physical Requirements:</p> <ol style="list-style-type: none"> <li>All aspects of the any marijuana establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a</li> </ol>
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			<p>trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.</p> <p>2. No outside storage is permitted.</p> <p>3. Ventilation – all marijuana establishments shall be ventilated in such a manner that no:</p> <p>a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and</p> <p>b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.</p> <p>4. Signage shall be displayed on the exterior of the marijuana establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text 2 inches in height. All other signage must comply with all other applicable signage regulations in this Bylaw and 935 CMR 500.</p> <p>5. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Planning Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.</p> <p>C. Location.</p> <p>1. Marijuana establishments are encouraged to utilize existing vacant buildings where possible.</p> <p>2. No marijuana establishment shall be located on a parcel which is within 300 feet (to be measured in a straight line from the nearest point of the property line in</p>
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			<p>question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre- existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12.</p> <p>3. No marijuana establishment shall be located on a parcel which abuts a residential use (including commercial residential uses such as hotels, motels, lodging houses, etc.) or residential district.</p> <p>4. No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.</p> <p>5. No marijuana establishment is permitted to utilize or provide a drive-through service.</p> <p>D. Reporting Requirements.</p> <p>1. Prior to the commencement of the operation or services provided by a marijuana establishment, it shall provide the Police Department, Fire Department, Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and key- holders, including a minimum of 2 operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.</p> <p>2. The Building Commissioner, Board of Health, Police Department, Fire Department and the Planning Board shall be notified in writing by the marijuana establishment facility owner/operator/ manager:</p> <p>a. A minimum of 30 days prior to any change in</p>
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			<p>ownership or management of that establishment.</p> <p>b. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.</p> <p>3. Permitted marijuana establishments shall file an annual written report to, and appear before, the Planning Board no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.</p> <p>4. The owner or manager of a marijuana establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their marijuana establishment at the phone number or email address provided to the Town as the contact for the business.</p> <p>E. Issuance/Transfer/Discontinuance of Use</p> <p>1. Special Permits/Site Plan Approvals shall be issued to the marijuana establishment owner.</p> <p>2. Special Permits/Site Plan Approvals shall be issued for a specific type of marijuana establishment on a specific site/parcel.</p> <p>3. Special Permits/Site Plan Approvals shall be non-transferable to either another marijuana establishment owner or another site/parcel.</p> <p>4. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a marijuana establishment, and shall lapse/expire if:</p> <p>a. the marijuana establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or</p>
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		<p>b. the marijuana establishment's registration/license by the Cannabis Control Commission expires or is terminated.</p> <p>5. The marijuana establishment shall notify the Building Commissioner and the Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.</p> <p>6. A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.</p> <p>a. Prior to the issuance of a Building Permit for a marijuana establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to the Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Commissioner shall give the applicant 45 days written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Commissioner prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.</p> <p>8.7.4 Application Requirements</p> <p>Applications for Special Permits and Site Plan Approvals for marijuana establishments will be processed in the order that they are filed with the Town. The approval of a Special Permit for any marijuana establishment is up to the discretion of the Planning Board who will be making its determination based on selecting the marijuana</p>
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		<p>establishments that it finds are in the best interests of the Town and best comply with the standards and intent of this Bylaw.</p> <p>In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a marijuana establishment shall include the following:</p> <p>A. The name and address of each owner and operator of the marijuana establishment facility/operation.</p> <p>B. A copy of an approved Host Agreement.</p> <p>C. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.</p> <p>D. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.</p> <p>E. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.</p> <p>F. Evidence that the Applicant has site control and right to use the site for a marijuana establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.</p> <p>G. A notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.</p> <p>H. In addition to what is normally required in a Site</p>
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			<p>Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.</p> <p>I. A detailed floor plan identifying the areas available and functional uses (including square footage).</p> <p>J. All signage being proposed for the facility.</p> <p>K. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed.</p> <p>L. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.</p> <p>M. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to marijuana establishment or off-site direct delivery.</p> <p>N. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:</p> <ol style="list-style-type: none"> <li>1. Operating procedures</li> <li>2. Marketing and advertising</li> <li>3. Waste disposal</li> <li>4. Transportation and delivery of marijuana or marijuana products</li> </ol>
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			<p>5. Energy efficiency and conservation</p> <p>6. Security and Alarms</p> <p>7. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.</p> <p>8.7.5. Findings</p> <p>In addition to the standard Findings for a Special Permit or Site Plan Approval the Planning Board must also find all the following:</p> <p>A. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.</p> <p>B. That the marijuana establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;</p> <p>C. That the marijuana establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth and will be in compliance with all applicable state laws and regulations;</p> <p>D. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;</p> <p>E. That the marijuana establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.</p> <p>F. That the marijuana establishment facility adequately addresses issues of traffic demand, circulation</p>
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			flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses. <i>[pp99-104]</i>
	<b>SECTION 7000. SPECIAL RESIDENTIAL REGULATIONS</b>		
<b>7010</b>	<b>AFFORDABLE HOUSING REQUIREMENT</b> <b>7011. Purpose and Intent:</b> <p>The purpose of this bylaw is to outline and implement a set of policies and objectives for the development of affordable housing in compliance with G.L. c. 40B sect. 20-23 and various initiative programs developed by state, county and local government. It is intended that the Affordable Housing Units that result from this bylaw be considered as Local Initiative Units in compliance with the requirements for the same as specified by the Department of Housing and Community Development. (DHCD)</p> <p><i>[p.61]</i></p>	<b>8.3</b> <b>8.3.1.</b>	<b>AFFORDABLE HOUSING REQUIREMENTS</b> <b>Purposes</b> <p>The purpose of this Section 8.3 is to provide affordable housing choices throughout the Town, and to provide for a diverse, balanced, and inclusive community, with housing for people of all income levels as a matter of basic fairness and social responsibility.</p> <p><i>[p.90]</i></p>
	<b>7012. Applicability:</b> <p><u>Multiple Unit Development:</u> A special permit from the special permit granting authority (SPGA) shall be required when the construction of dwelling units is requested, whether on one or more contiguous parcels, within a Multiple Family District or a Multiple Family District/55. The total number of dwelling units within the proposed development shall be counted and are subject to the provisions of Section 7014, below. The SPGA shall deny a special permit application if,</p>	<b>8.3.2.</b>	<b>Applicability</b> <p>A. Any application to the Planning Board for construction of six or more dwelling units on one or more contiguous parcels in the Multifamily District, Town Center District, Mixed-Use Business, or Village Residential District, or for an Open Space Residential Development special permit under Section 8.4, shall be subject to the provisions of this Section 8.3.</p> <p>B. Development shall not be segmented to avoid compliance with this Section 8.3. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of three or more lots or dwelling units above</p>

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	<p>in the opinion of the SPGA, the land or parcels of land, held in common ownership, were subdivided or otherwise modified resulting in a reduction of the potential number of Affordable Housing Units.</p> <p><b>[p.61]</b></p>		<p>the number existing 36 months prior to an application to develop any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section.</p> <p><b>[p.90]</b></p>
	<p><b>7013. Definitions:</b></p> <p><b>a. Affordable Housing Unit.</b> A Dwelling Unit available at a purchase price for which a purchaser earning eighty percent (80%) of the Middlesex County median income, as reported by the U.S. Department of Housing and Urban Development, could obtain mortgage financing and will not spend more than thirty percent (30%) of household income on the payment of principal, interest, real estate taxes, condominium or homeowner's fees, mortgage insurance, and homeowner's insurance premiums, as shall be calculated by DHCD in its sole discretion. Mortgage financing shall be based on thirty (30) year fixed rate mortgages with interest rates no greater than conforming, conventional market rate mortgages.</p> <p><b>b. Qualified Affordable Housing Unit</b> purchaser or tenant. An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Commonwealth's Local Initiative Program.</p>		



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	<p><b>c. <u>Affordable Housing Trust Fund.</u></b> An account established by the Town for the specific purpose of creating Affordable Housing Units, available for use by the Local Housing Partnership for the purchase of land or units, or the development of new or rehabilitation of existing dwelling units for affordable housing occupants. (Annual Town Meeting, May 6, 2002 Art 3-28.)</p> <p><i>[pp.61, 62]</i></p>		
	<p><b>7014. Provisions:</b></p> <p>a. An application for a Multiple Unit Development special permit shall require that at least fifteen (15) percent of the total Dwelling Units in the Multiple Unit Development be established as Affordable Housing Units (7013a): The calculation of the number of designated affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.</p> <p>1. An application for an Open Space Residential Design Special Permit shall require that at least ten (10) percent of the total Dwelling Units shall be established in perpetuity as Affordable Housing Units (7013.a) Total Dwelling Units shall mean the Basic Maximum Number from the Determination of Yield. Dwelling Units in addition to this number achieved through density bonus provisions (7544.f.) of this bylaw shall not be subject to the ten (10) percent requirement of this section. The</p>	<p><b>8.3.3.</b></p> <p><b>8.3.4.</b></p>	<p><b>Basic Requirements</b></p> <p>A. Except as provided in subsection (B) below, at least 15 percent of the units in any development subject to this Section 8.3 shall be affordable housing as defined in Section 2, Definitions. Fractions equal to or greater than 0.5 shall be rounded up to the nearest whole number.</p> <p>B. In any OSRD development that is subject to this Section 8.4, at least 10 percent of the total dwelling units shall be affordable housing. Fractions equal to or greater than 0.5 shall be rounded up to the nearest whole number.</p> <p><b>Methods of Compliance</b></p> <p>A. On-site units. Construction of affordable units on the site of the project is the preferred approach to creating affordable housing. On-site units shall be required for any multifamily development or mixed-use development.</p> <p>B. For an Open Space Residential Development, the Planning Board may grant a special permit for the applicant to pay a fee in lieu of affordable units to the Tewksbury Affordable Housing Trust. The fee-in-lieu per unit shall be</p>

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	<p>calculation of the number of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.</p> <p><b>b.</b> The SPGA may waive the construction or provision for Affordable Housing Units for an equivalent fee-in-lieu-of units payment made to the Town of Tewksbury for disbursement to the Affordable Housing Trust Fund, subject to the provisions and policies of the Tewksbury Local Housing Partnership for the creation of Affordable Housing Units (7013a) in the Town of Tewksbury.</p> <p><b>c.</b> Timing of construction, provision or payments of fees-in-lieu of affordable units. Where feasible, Affordable Housing Units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below.</p> <table><tr><th>Market-rate Unit %</th><th>Affordable Housing Unit %</th></tr><tr><td>Up to 30%</td><td>None required</td></tr><tr><td>30% plus 1 unit</td><td>At least 10%</td></tr><tr><td>Up to 50%</td><td>At least 30%</td></tr><tr><td>Up to 75%</td><td>At least 50%</td></tr><tr><td>75% plus 1 unit</td><td>At least 70%</td></tr><tr><td>Up to 90%</td><td>100%</td></tr></table> <p>Fractions of units shall not be counted.</p>	Market-rate Unit %	Affordable Housing Unit %	Up to 30%	None required	30% plus 1 unit	At least 10%	Up to 50%	At least 30%	Up to 75%	At least 50%	75% plus 1 unit	At least 70%	Up to 90%	100%		<p>determined by the Select Board or its designee.</p>						
Market-rate Unit %	Affordable Housing Unit %																						
Up to 30%	None required																						
30% plus 1 unit	At least 10%																						
Up to 50%	At least 30%																						
Up to 75%	At least 50%																						
75% plus 1 unit	At least 70%																						
Up to 90%	100%																						
	<p><b>8.3.5.</b></p>	<p><b>Timing of Construction, Provision of Affordable Housing</b></p> <p>Affordable units shall be provided coincident to the development of market-rate units, but in no event shall the construction of affordable units or payment of the fee-in-lieu of units be delayed beyond the schedule noted below.</p> <table><tr><th>Market-rate Unit %</th><th>Affordable Housing Unit %</th><th>Mixed Use Commercial (If applicable)</th></tr><tr><td>Up to 30%</td><td>None required</td><td>None required</td></tr><tr><td>30% plus 1 unit</td><td>At least 10%</td><td>At least 25% completion</td></tr><tr><td>Up to 50%</td><td>At least 30%</td><td>At least 50% completion</td></tr><tr><td>Up to 75%</td><td>At least 50%</td><td></td></tr><tr><td>75% plus 1 unit</td><td>At least 70%</td><td>At least 75% completion</td></tr><tr><td>Up to 90%</td><td>100%</td><td>100% completion</td></tr></table>	Market-rate Unit %	Affordable Housing Unit %	Mixed Use Commercial (If applicable)	Up to 30%	None required	None required	30% plus 1 unit	At least 10%	At least 25% completion	Up to 50%	At least 30%	At least 50% completion	Up to 75%	At least 50%		75% plus 1 unit	At least 70%	At least 75% completion	Up to 90%	100%	100% completion
Market-rate Unit %	Affordable Housing Unit %	Mixed Use Commercial (If applicable)																					
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75% plus 1 unit	At least 70%	At least 75% completion																					
Up to 90%	100%	100% completion																					

Color Code: Green- No Comparable Clause      Red- Deleted in its entirety      Blue- No Change

## EXISTING ZONING BYLAW

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	<p><b>Initial Sale:</b></p> <p>To ensure that only eligible households purchase or rent Affordable Housing Units, the purchaser or renter of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or their agent, and within thirty (30) days following transfer of title, to the Tewksbury Housing Authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development.</p> <p>The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.</p> <p><b>g. Preservation of Affordability; Restrictions on Resale:</b></p> <p>Each Affordable Housing Unit created in accordance with this bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction on the</p>	<p><b>8.3.8.</b></p>	<p><b>Preservation of Affordability; Restrictions on Resale</b></p> <p>No building permit shall be issued until the applicant executes an enforceable agreement with the Town, in a form acceptable to Town Counsel, and provides evidence acceptable to the Department of Community Development that the agreement has been recorded at the Middlesex North Registry of Deeds. The agreement shall provide for long-term affordability of the affordable units in the development and for compliance with the requirements of the Local Initiative Program for units eligible for the Subsidized Housing Inventory. "Long-term" shall mean in</p>
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## EXISTING ZONING BYLAW

## ZONING DRAFT 2021 REV. 1 Updated 12/3/21

	<p>property and shall be in force in perpetuity.</p> <p>1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall be at a purchase price for which a purchaser earning eighty percent (80%) of the Middlesex County median income, as reported by the U.S. Department of Housing and Urban Development, could obtain mortgage financing and will not spend more than thirty percent (30%) of household income on the payment of principal, interest, real estate taxes, condominium or homeowner's fees, mortgage insurance, and homeowner's insurance premiums, as shall be calculated by DHCD in its sole discretion. Mortgage financing shall be based on thirty (30) year fixed rate mortgages with interest rates no greater than conforming, conventional market rate mortgages.</p> <p>2. Right of first refusal to purchase. The purchaser of an Affordable Housing Unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.</p>	<p>perpetuity or the maximum period allowed by law unless the Planning Board approves a shorter term, but in no event shall "long-term" mean less than 30 years. For an affordable homeownership unit, no certificate of occupancy shall be issued until the applicant submits documentation acceptable to the Department of Community Development that an affordable housing deed rider in a form acceptable to Town Counsel and the Department of Housing and Community Development has been signed by the homebuyer and recorded at the Middlesex North Registry of Deeds.</p> <p><i>[pp.90-91]</i></p>
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	<p>3. The SPGA shall require, as a condition for special permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 7014g.1. The Building Commissioner shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.</p> <p><b>h. Conflict with Other Bylaws/Ordinances:</b></p> <p>The provisions of this bylaw shall be considered supplemental to existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.</p> <p><b>i. Review by Special Permit Granting Authority (SPGA):</b></p> <p>The Planning Board shall be designated as the SPGA under this bylaw.</p> <p><b>7015. Severability:</b></p> <p>If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Tewksbury zoning bylaw.</p> <p><i>[pp.62-64]</i></p>	8.3.9.	<p><b>Planning Board Regulations</b></p> <p>The Planning Board shall adopt rules and regulations to administer Section 8.3, including submission requirements, procedures, and fees, and may also adopt guidance documents to assist in the implementation of this Section.</p> <p><i>[p. 92]</i></p>
7100	<b>MULTIPLE FAMILY DWELLINGS.</b>	8.2	<b>MULTIFAMILY DWELLINGS</b>

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	<p><b>7110. Purpose.</b> This section is intended to regulate the development of multiple family dwellings by establishing eligibility requirements and reasonable conditions for construction in the MFD. This section is not intended to supersede, modify or conflict with the powers and duties delegated to the Planning Board pursuant to the Subdivision Control Law, M.G.L. c. 41, ss: 81K - 81GG.</p> <p><i>[p. 64]</i></p>	<b>8.2.1</b>	<p><b>8.2.1. Purpose</b></p> <p>The purpose of this Section 8.2 is to regulate the development of multifamily dwellings by establishing eligibility requirements and reasonable conditions for construction. This section is not intended to supersede, modify, or conflict with the powers and duties delegated to the Planning Board pursuant to the Subdivision Control Law, G.L. c. 41, §§ 81K - 81GG.</p> <p><i>[p.88]</i></p>
	<p><b>7120. Special Permit Required.</b> Multiple-family dwellings will be permitted only upon the issuance of a special permit by the Planning Board. The following eligibility standards apply:</p> <p><b>7121.</b> Where proposed for multiple family dwellings, the site shall have a minimum lot area of 4 acres with the 150 feet of frontage on a public or private way that is open for public use. By special permit, the Planning Board may vary the requirement of 150 feet of frontage on a public way to not less than 40 feet of frontage on a public way provided that a suitable private access road into the site area can be constructed with the reduced frontage. These provisions shall not apply to the development of single-family dwellings.</p> <p><i>[pp. 64, 65]</i></p>	<p><b>8.2.2</b></p> <p><b>8.2.4</b></p>	<p><b>8.2.2. Applicability</b></p> <p>This section applies to the construction of multifamily dwellings in any district in which they are allowed as of right or by special permit from the Planning Board in accordance with Section 5 of this Bylaw.</p> <p>A. Any site proposed for multifamily dwellings shall have a minimum lot area of four acres and a minimum frontage of 150 feet on a public or private way that is open for public use. However, the Planning Board may waive the minimum lot frontage to not less than 40 feet on a public way provided that a suitable private access road into the site area can be constructed with the reduced frontage;</p> <p><i>[p.88]</i></p>
	<p><b>7130. Application.</b> An application for a special permit shall be filed in accordance with the regulations set forth in Section 9300.</p>	<b>8.2.3.</b>	<p><b>Submission Requirements and Procedures</b></p> <p>Application for a special permit under this Section 8.2 shall be in accordance with the Planning Board's rules and</p>

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	<b>[p.65]</b>		regulations and Section 3.5 of this Bylaw. Where multifamily dwellings are a permitted use, approval shall be subject to Site Plan Review by the Planning Board under Section 3.6. <b>[p.88]</b>						
	<p><b>7140. Parking.</b> Provision shall be made for not less than two (2) parking spaces per unit, one (1) of which shall be completely enclosed. Detached parking garages will be permitted and designed so as to complement the building design and site layout, but shall not be constructed within the setback areas.</p> <p><b>7141.</b> Enclosed parking spaces shall be 10 feet in width and 20 feet in length; unenclosed parking spaces shall be not less than 9 feet wide and 18.5 feet in length.</p> <p><b>7142.</b> Additional enclosed or unenclosed parking spaces shall be provided for guests and recreational areas as indicated below:</p> <table><tr><td>Guest</td><td>1 parking space per two dwelling units</td></tr><tr><td>Tennis Court</td><td>2 parking spaces per court</td></tr><tr><td>Recreation buildings/swimming pools</td><td>1 parking space per 10 dwelling units, but not less than 10 spaces</td></tr></table>	Guest	1 parking space per two dwelling units	Tennis Court	2 parking spaces per court	Recreation buildings/swimming pools	1 parking space per 10 dwelling units, but not less than 10 spaces	<b>8.2.6.</b>	<p><b>Off-Street Parking</b></p> <p>A. Provision shall be made for not less than two parking spaces per unit, one of which shall be completely enclosed. Detached parking garages will be permitted and designed so as to complement the building design and site layout, but shall not be constructed within setback areas.</p> <p>B. Enclosed parking spaces shall be 10 feet wide and 20 feet long and unenclosed parking spaces shall be not less than 9.5 feet wide and 18.5 feet long unless waived by the Planning Board.</p> <p>C. Additional enclosed or unenclosed parking spaces shall be provided for guests and recreational areas as indicated below:</p> <ol style="list-style-type: none"><li>Guest: 1 parking space per two dwelling units</li><li>Tennis Court: 2 parking spaces per court</li><li>Recreation buildings/swimming pools: 1 parking space per 10 dwelling units, but not less than 10 parking spaces</li></ol> <p><b>[pp.89, 90]</b></p>
Guest	1 parking space per two dwelling units								
Tennis Court	2 parking spaces per court								
Recreation buildings/swimming pools	1 parking space per 10 dwelling units, but not less than 10 spaces								
	<p><b>7150. Design Standards.</b> A multiple family dwelling shall meet the following standards:</p> <p><b>7151.</b> Commercial and industrial uses are prohibited.</p> <p><b>7152.</b> All lighting shall be directed away from</p>	<b>8.2.4</b>	<p><b>8.2.4. Design Standards for Multifamily Dwellings</b></p> <p>Except in the Town Center and Mixed-Use Business districts, multifamily dwellings shall meet the following standards:</p> <p>F. All lighting shall be directed away from adjoining</p>						



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	<p>adjoining property.</p> <p><b>7153. Services.</b></p> <p>a) All utilities shall be installed underground using standards promulgated by the Planning, Health, Building and DPW Departments of the Town of Tewksbury and sewage shall be disposed of by means of adequate connections as required by State and local Departments and Board of Health.</p> <p>b) If curbside pick-up of trash and recycling materials is not viable, then shared waste disposal facilities (such as dumpsters for household trash and dumpsters for recycling) shall be adequately sized for the development as recommended by the Board of Health.</p> <p>[p.65]</p>	8.2.5	<p>property;</p> <p><b>G. Services.</b></p> <p>1. All utilities shall be installed underground using standards established by the Planning, Health, Building, and Public Works Departments of the Town of Tewksbury. Sewage shall be disposed of by means of adequate connections as required by state and local Departments and Board of Health;</p> <p>2. If curbside pick-up of trash and recycling materials is not viable, there shall be shared waste disposal facilities (such as dumpsters for household trash and dumpsters for recycling) adequately sized for the development as determined by the Board of Health;</p> <p>[p.88]</p> <p><b>Design Standards for Multifamily Dwellings in the TC and MUB Districts</b></p> <p>Multifamily dwellings shall be subject to Site Plan Review by the Planning Board under Section 3.6 and shall comply with Section 6.3, as applicable, and the following additional requirements. Where any requirements in this section conflict with Section 5.3.3, this section shall govern.</p> <p>A. The proposed site shall have a minimum lot area of 40,000 square feet and minimum lot frontage of 150 feet on Main Street;</p> <p>B. Maximum building coverage shall not exceed 35 percent of the lot area; and,</p> <p>C. No building within the development shall be</p>
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			constructed within 50 feet of the lot line of an abutting single-family dwelling. [p.89]
	<p><b>7154.</b> There shall not be more than a maximum of seven (7) units per acre nor more than fourteen (14) bedrooms per acre. This will allow for flexibility in the number of bedrooms per unit to vary from 1 to 3 bedrooms. The ratio of three (3) bedroom market rate units to three (3) bedroom Affordable Housing Units shall be 1 to 1. No more than 5% of the total MFD site area within the wetlands and/or flood plain shall be used in calculating the density requirements of site. If more than 5% of the total MFD site area is in wetlands and/or flood plains that exceeds the 5% requirement shall be deleted from the area used to determine density requirements.</p> <p><b>a) Affordable Housing Requirement.</b> An application for a Multiple Family Dwelling Special Permit shall be subject to the Affordable Housing Requirements of Section 7010 of the Town of Tewksbury Zoning Bylaws as follows:</p> <p>Such application shall require that at least fifteen (15) percent of the total Dwelling Units be established as Affordable Housing Units (Section 7013.a) in perpetuity.</p> <p>The calculation of the number of</p>	<p><b>8.2.4.B</b></p> <p>Maximum density shall be seven units per acre nor more than 14 bedrooms per acre. This will allow for flexibility in the number of bedrooms per unit to vary from one to three bedrooms. The ratio of three-bedroom market rate units to three-bedroom affordable units (as required under Section 8.3) shall be 1 to 1. No more than 5 percent of the total site area within the wetlands and/or flood plain shall be used in calculating maximum density for the site. If more than 5 percent of the site is in wetlands or flood plains, the portion that exceeds 5 percent shall be deleted from the area used to determine maximum density; [p.88]</p> <p><b>8.2.4.M</b></p> <p>Any application for a Multifamily Dwelling special permit shall comply with Section 8.3 of this Bylaw. [p.89]</p>	

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	affordable units shall be rounded to the next whole number for units equal to 0.5 or greater. <i>[pp.65, 66]</i>		
	<b>7155.</b> The maximum coverage of the site available for use by all buildings, including garages, and carports shall not exceed 30 percent of the site area. <i>[p.66]</i>	<b>8.2.4.C</b>	The maximum coverage of the site available for use by all buildings, including garages, and carports shall not exceed 30 percent of the site area; <i>[p.88]</i>
	<b>7156.</b> The maximum building height shall be 45 feet. <i>[p.66]</i>	<b>8.2.4.D</b>	Maximum building height shall be 45 feet unless waived by the Planning Board; <i>[p.88]</i>
	<b>7157.</b> Any roadway/driveway located in an area that is within 50 feet of a property line shall be shielded from the property line by a planting of shielding type trees satisfactory to the Planning Board between the roadway and property line for the entire length of the roadway within the 50 foot area. This planting shall be in addition to any existing vegetation between the property line and the proposed roadway and shall be placed a maximum of 10 feet apart. <i>[p.66]</i>	<b>8.2.4.I</b>	Any roadway or access drive located within 50 feet of a property line other than the front property line shall be shielded from the property line by a buffer of trees satisfactory to the Planning Board between the roadway and property line for the entire length of the roadway within the 50-foot area. This planting shall be in addition to any existing vegetation between the property line and the proposed roadway and shall be placed a maximum of 40 feet apart; <i>[p.89]</i>
	<b>7158.</b> Walkways, tables, benches, flowering bushes/trees may be allowed in 50 to 100 foot buffer areas at the discretion of the Planning Board to improve the aesthetics of the site area. <i>[p.66]</i>	<b>8.2.4.J</b>	Walkways, tables, benches, or flowering bushes or trees may be allowed in 50- to 100-foot buffer areas at the discretion of the Planning Board to improve the aesthetics of the site and views from surrounding areas; <i>[p.89]</i>
	<b>7159.</b> Television, radio and communications	<b>8.2.4.K</b>	Television, radio, and communications services shall be

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	services shall be supplied by a central system with underground connections. <b>[p.66]</b>		supplied by a central system with underground connections; <b>[p.89]</b>
	<b>7160. Distance Parameters.</b> The Planning Board shall determine the distance between the buildings that are structurally connected together by roofing, fencing or other means but not enclosed or heated. The distance parameters will be determined on the aesthetics, created by the design, practicality of design, and the effect on the development by the design. The Planning Board shall determine any distance parameters between buildings not covered under this Zoning By-Law. <b>[p.66]</b>	<b>8.2.4.H</b>	The distance between the buildings that are structurally connected by roofing, fencing, or other means but not enclosed or heated shall be determined by the Planning Board. Distance parameters will be determined on the aesthetics, created by the design, practicality of design, and the effect on the development by the design. The Planning Board shall determine any distance parameters between buildings not covered under this Zoning Bylaw.; <b>[p.89]</b>
	<b>7161.</b> No building within the site area shall be constructed within 50 feet of any perimeter border of site. <b>[p.66]</b>	<b>8.2.4.E</b>	No building within the development shall be constructed within 50 feet of any perimeter of site; <b>[p.88]</b>
	<b>7170.</b> The Planning Board may waive sections 7121, 7141, 7156 and 7181, based upon findings that the waivers will provide for; improved aesthetics created by the design; and practicality of design to lessen environmental, neighborhood and public service impacts. <b>[p.66]</b>	<b>8.2.7.</b>	<b>Criteria for Waivers</b> Where the Planning Board is specifically authorized to waive a requirement in this Section 8.2, the Board shall base its decision upon findings that the waivers will provide for improved aesthetics created by the design, and practicality of design to lessen environmental, neighborhood, and public service impacts.
		<b>8.2.8.</b>	<b>Design Guidelines</b> Whether proposed by special permit or through Site Plan Review, multifamily dwellings shall comply with design guidelines, if any, adopted by the Planning Board and kept on file with the Town Clerk and Department of Community

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			<b>Development.</b> <b>[p.90]</b>
	<p><b>7180. Open Space.</b></p> <p><b>7181.</b> Suitable recreational facilities shall be provided on the required open space. Not less than 60% of the upland area of the site available for use shall remain free from structures, parking and drives, and such area shall be left either in its natural state, attractively landscaped, or developed for uncovered recreational facilities.</p> <p><b>7182.</b> The owner or owners shall be responsible for the maintenance of common areas, including but not limited to snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted.</p> <p><b>[pp.66,67]</b></p>	<b>8.2.4.L</b>	<p>Not less than 60 percent of the upland area of the site available for use shall be set aside as open space. The open space shall remain free from structures, parking and drives, and this area shall be left either in its natural state, attractively landscaped, or developed for outdoor recreational facilities. Unless waived by the Planning Board, suitable recreational facilities shall be provided within the required open space. The owner or owners shall be responsible for the maintenance of common areas, including but not limited to snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted; and,</p> <p><b>[p.89]</b></p>
<b>7200</b>	<b>MULTIPLE FAMILY DWELLINGS IN THE MFD/55.</b> <b>[pp.67-70]</b>		<b>See 8.2 Multifamily Dwellings</b>
<b>7400</b>	<b>COMMUNITY DEVELOPMENT DISTRICT</b> <b>[pp.70-73]</b>		<b>See 8.2 Multifamily Dwellings</b>
<b>7500</b>	<p><b>OPEN SPACE RESIDENTIAL DESIGN (OSRD) SPECIAL PERMIT</b></p> <p><b>7510.</b> The Planning Board may grant a Special Permit for an Open Space Residential Design (OSRD) in the:</p> <p style="padding-left: 40px;">Residential Districts- R40 and Farming.</p> <p><b>7520. PURPOSE AND INTENT</b></p> <p>The Purposes for OSRD are the following:</p> <p style="padding-left: 20px;">a. To further the goals and policies of the Town of Tewksbury's Master Plan;</p>	<b>8.4</b>	<p><b>OPEN SPACE RESIDENTIAL DEVELOPMENT</b></p> <p><b>8.4.1. Purpose</b></p> <p>The Purposes of OSRD are to:</p> <p style="padding-left: 20px;">A. Further the goals and policies of the Town of Tewksbury's Master Plan;</p>

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	<p><b>b.</b> To allow for greater flexibility and creativity in the design of residential subdivision developments;</p> <p><b>c.</b> To encourage preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, and historical resources in a manner that is consistent with Tewksbury's Master Plan;</p> <p><b>d.</b> To encourage a more creative and thoughtful approach to land development that decreases burden on municipal economy, minimizes disturbance and loss of undeveloped open space and utilizes and incorporates existing topography and natural features of the land to achieve a more environmentally sound design than with a conventional subdivision approach;</p> <p><b>e.</b> To control suburban sprawl and maintain the character of the Town by conserving open space, scenic areas, views, streams, increasing recreational opportunities and other community assets;</p> <p><b>f.</b> To promote efficiency and economy of street and utility layout; lessening storm run-off, erosion and sedimentation; retain natural drainage courses and wetlands; and in general promoting the health, safety, convenience and welfare of residential areas and of the Town of</p>		<p><b>B.</b> Allow for greater flexibility and creativity in the design of residential subdivision developments;</p> <p><b>C.</b> Encourage preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, and historical resources in a manner that is consistent with Tewksbury's Master Plan;</p> <p><b>D.</b> Encourage a more creative and thoughtful approach to land development that decreases burden on municipal economy, minimizes disturbance and loss of undeveloped open space and utilizes and incorporates existing topography and natural features of the land to achieve a more environmentally sound design than with a conventional subdivision approach;</p> <p><b>E.</b> Control suburban sprawl and maintain the character of the Town by conserving open space, scenic areas, views, streams, increasing recreational opportunities and other community assets;</p> <p><b>F.</b> Promote efficiency and economy of street and utility layout; lessening storm run-off, erosion and sedimentation; retain natural drainage courses and wetlands; and in general promoting the health, safety, convenience and welfare of residential areas and of the Town of Tewksbury as a whole; and,</p>
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	<p>Tewksbury as a whole;</p> <p><b>g.</b> To encourage development in harmony with the natural area, and promote alternative construction methods to typical strip residential developments lining roadsides in the Town.</p> <p><b>7530. ELIGIBILITY</b></p> <p><b>7531.</b> To be eligible for consideration as an OSRD:</p> <ul style="list-style-type: none"> <li><b>a.</b> The tract shall be located in the Residential Districts: R40 and Farming,</li> <li><b>b.</b> The minimum tract area shall be three (3) acres.</li> <li><b>c.</b> The tract shall consist of a parcel or set of contiguous parcels.</li> </ul> <p><b>7532. Housing Types</b></p> <ul style="list-style-type: none"> <li><b>a.</b> Housing Units shall be Single Family detached units.</li> <li><b>b.</b> No common wall or multi- family structures shall be allowed.</li> </ul> <p><b>7533. Affordable Housing Requirement.</b></p> <p>An application for an Open Space Residential Design Special Permit shall be subject to the Affordable Housing Requirements of Section 7010 of the Town of Tewksbury Zoning Bylaws as follows:</p> <p>Such application shall require that at</p>		<p><b>G.</b> Encourage development in harmony with the natural area, and promote alternative construction methods to typical strip residential developments lining roadsides in the Town.</p> <p><b>8.4.2. Eligibility</b></p> <p>To be eligible for consideration as an OSRD, the proposed tract of land shall consist of at least three acres in the R40 or Farming district. Any pre-existing single family structure that is included in the calculation of the minimum acreage will be included in the post development total unit count.</p> <p><b>8.4.3. Housing Types</b></p> <p>Housing Units shall be single family detached units. No common wall or multi- family structures shall be allowed.</p> <p><i>[Addressed in Section 8.3 Affordable Housing Requirements]</i></p>
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	<p>least ten (10) percent of the total Dwelling Units be established as Affordable Housing Units (Section 7013.a) in perpetuity.</p> <p>The calculation of the number of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.</p> <p><b>7540. SPECIAL PERMIT REQUIRED</b> The Planning Board may authorize an OSRD pursuant to the grant of a Special Permit. Such special permits shall be acted upon in accordance with the following provisions:</p> <p><b>7541. PRE-APPLICATION</b></p> <p><b>a. Conference.</b></p> <p>The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board.</p> <p>The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed OSRD, seek preliminary feedback from the Planning Board and/or its technical experts, and set</p>		<p><b>8.4.4. Special Permit Required</b> The Planning Board may authorize an OSRD pursuant to the grant of a Special Permit. Special permits shall be acted upon in accordance with this Section 8.4.</p> <p><b>8.4.5. Pre-Application Process</b> The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed OSRD, seek preliminary feedback from the Planning Board or its technical experts, and set a timetable for submittal of a formal application.</p>
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	<p>a timetable for submittal of a formal application.</p> <p>b. The Planning Board shall adopt rules and regulations relative to the size, form, number and contents of the plans to be submitted for a pre-application review.</p> <p><b>7542. DESIGN PROCESS</b></p> <p>At the time of the application for a Special Permit for OSRD in conformance with 7544. SITE SPECIFIC DESIGN STANDARDS, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.</p> <p>a. Step One: Identifying Environmentally Sensitive Areas.</p> <p>Identify Areas of concern.</p> <p>1. Protected Land Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law); environmentally sensitive land areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats; and culturally significant features such as historic and archeological sites and scenic views shall be identified and delineated as determined by the Conservation Commission, the Planning Board or the Department of Environmental Protection.</p>		<p><b>8.4.6. Design Process</b></p> <p>At the time of the application for a Special Permit for OSRD, the applicant must demonstrate to the Planning Board that the following design process was performed by a registered landscape architect and considered in determining the layout of proposed streets, house lots, and open space.</p> <p>A. Step One: Identify Areas of Concern.</p> <p>1. Protected Land Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law); environmentally sensitive land areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats; and culturally significant features such as historic and archeological sites and scenic views shall be identified and delineated as determined by the Conservation Commission, the Planning Board or the Department of Environmental Protection.</p>
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<p><b>2.</b> The Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified as environmentally sensitive areas.</p> <p><b>b.</b> Step Two: Locating House Sites.</p> <p>Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and areas of shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.</p> <p><b>c.</b> Step Three: Aligning the Streets.</p> <p>Align streets and driveways in order to access the house sites.</p> <p>Common Driveways may be allowed subject to the requirements of the Planning Board's Rules and Regulations.</p> <p><b>d.</b> Step Four: Lot Lines.</p> <p>Establish lot lines for each of the individual parcels and open space.</p> <p><b>7543. PROCEDURES</b></p> <p><b>a.</b> Application.</p> <p>An application for a Special Permit for an OSRD shall include a Sketch Plan as detailed below. The Planning Board shall adopt rules and regulations relative to the size, form, number and contents of the Sketch Plan.</p>	<p><b>2.</b> The Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside areas identified as environmentally sensitive.</p> <p><b>B.</b> Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and areas of shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.</p> <p><b>C.</b> Step Three: Aligning the Streets. Align streets and driveways in order to access the house sites. Common Driveways may be allowed subject to the requirements of the Planning Board's Rules and Regulations.</p> <p><b>D.</b> Step Four: Lot Lines. Establish lot lines for each of the individual parcels and open space.</p> <p><b>8.4.8. Special Permit Procedures and Decision</b></p> <p><b>A.</b> Application. Submission requirements and procedures for an OSRD special permit shall conform to the Planning Board's rules and regulations and Section 3.5 of this Bylaw, and shall include a Sketch Plan. The Planning Board shall adopt rules and regulations relative to the size, form, number, and contents of the Sketch Plan.</p>
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	<p><b>1. Sketch Plan.</b></p> <p>The Sketch Plan shall be prepared by a certified Landscape Architect, or by a multidisciplinary team of which one member must be a certified Landscape Architect, and shall address the general features of the land, give approximate configurations of the lots, locations and sizes (footprints) of the houses, examples and elevations of the home types, open space, and roadways, a description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them, and include the information listed under the Subdivision Rules and Regulations. The Sketch Plan shall be submitted in accordance to the requirements as set forth in the Planning Board's Rules and Regulations (7542.b.) The Sketch Plan shall incorporate the Four-Step Design Process, according to 7542 above, and the Design Standards according to 7544 below, when determining a proposed design for the development.</p> <p><b>2. Relationship Between the OSRD Special Permit and OSRD Definitive Subdivision Plan</b></p> <p>The issuance of an OSRD Special Permit allows the applicant to submit an Open Space Definitive Subdivision Plan to the Planning Board for approval under the Subdivision Control Law. Any OSRD Special Permit issued by the Planning Board shall specifically state that the Open Space Definitive Subdivision Plan shall substantially comply with the OSRD Special Permit.</p>		<p><b>B. Relationship Between the OSRD Special Permit and OSRD Definitive Subdivision Plan.</b></p> <p><b>1.</b> The issuance of an OSRD Special Permit allows the applicant to submit an Open Space Definitive Subdivision Plan to the Planning Board for approval under the Subdivision Control Law. Any OSRD Special Permit issued by the Planning Board shall specifically state that the Open Space Definitive Subdivision Plan shall substantially comply with the OSRD Special Permit.</p> <p><b>2.</b> An Open Space Definitive Subdivision Plan will be considered not to substantially comply with the OSRD</p>
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<p>An Open Space Definitive Subdivision Plan will be considered not to substantially comply with the OSRD Special Permit if the Planning Board determines that any of the following conditions exist:</p> <ul style="list-style-type: none"> <li>a. an increase in the number of building lots;</li> <li>b. a significant decrease in the open space acreage;</li> <li>c. a significant change in the lot layout;</li> <li>d. a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;</li> <li>e. significant changes to the storm water management facilities; and/or,</li> <li>f. significant changes in the wastewater management systems.</li> <li>g. significant change or receipt of information which deviates from the information used as a basis for the approval of the OSRD Special Permit issued by the Planning Board.</li> </ul> <p>If the Planning Board determines that the Open Space Definitive Subdivision Plan does not substantially comply with the OSRD Special Permit, the Board may disapprove the OSRD Definitive Subdivision Plan.</p> <p>The Planning Board may conditionally approve an Open Space Definitive Subdivision Plan that does not substantially comply with the OSRD Special Permit. However, such conditional approval must identify where the plan does not substantially comply with the OSRD Special Permit and shall require that the OSRD Special Permit be amended to be in compliance with the significant</p>	<p>Special Permit if the Planning Board determines that any of the following conditions exist:</p> <ul style="list-style-type: none"> <li>a. an increase in the number of building lots;</li> <li>b. a significant decrease in the open space acreage;</li> <li>c. a significant change in the lot layout;</li> <li>d. a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;</li> <li>e. significant changes to the storm water management facilities;</li> <li>f. significant changes in the wastewater management systems; and/or,</li> <li>g. significant change or receipt of information which deviates from the information used as a basis for the approval of the OSRD Special Permit issued by the Planning Board.</li> </ul> <p>3. If the Planning Board determines that the Open Space Definitive Subdivision Plan does not substantially comply with the OSRD Special Permit, the Board may disapprove the OSRD Definitive Subdivision Plan.</p> <p>4. The Planning Board may conditionally approve an Open Space Definitive Subdivision Plan that does not substantially comply with the OSRD Special Permit. However, such conditional approval must identify where the plan does not substantially comply with the OSRD Special Permit and shall require that the OSRD Special Permit be amended to be in compliance with the significant changes identified by the Planning Board. The</p>
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	<p>changes identified by the Planning Board. The Planning Board shall also require that the applicant file an application to amend the OSRD Special Permit within a specified time period.</p> <p>The public hearing on the application to amend the OSRD Special Permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the Open Space Definitive Subdivision Plan.</p> <p><b>b. General Procedures.</b></p> <p>Whenever an application for a OSRD Special Permit is filed with the Planning Board, with a copy filed forthwith with the Town Clerk, applicant shall also file, within five (5) working days of the filing of the completed application, additional copies to be provided according to the Planning Board's Rules and Regulations, accompanying development plan of the entire parcel under consideration, prepared by a professional architect, engineer or landscape architect, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Police Chief, Fire Chief, and Town Engineer for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement.</p> <p>Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations</p>		<p>Planning Board shall also require that the applicant file an application to amend the OSRD Special Permit within a specified time period.</p> <p>5. The public hearing on the application to amend the OSRD Special Permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the Open Space Definitive Subdivision Plan.</p> <p>C. Other Information. The submittals and permits of this Section 8.4 shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for an application for a Special Permit for a OSRD with the public hearing required for approval of a Definitive Subdivision Plan.</p>
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	<p>after having received copies of all such required materials shall be deemed a lack of opposition thereto.</p> <p>In the event that the public hearing by the Planning Board is held prior to the expiration of the 35 day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.</p> <p><b>c. Site Visit.</b></p> <p>Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing.</p> <p><b>d. Other Information.</b></p> <p>The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for an application for a Special Permit for a OSRD with the public hearing required for approval of a Definitive Subdivision Plan.</p> <p><b>7544. SITE SPECIFIC DESIGN STANDARDS</b></p> <p><b>a.</b> Basic Maximum Number of Housing Units shall be determined by one of the following methods:</p>		<p><b>8.4.7. Site Specific Design Standards</b></p> <p>A. Basic Maximum Number of Units shall be determined by one of the following methods:</p> <p>1. Determination of Yield Formula. The Basic Maximum Number shall be derived from the following</p>
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<p><b>1. Determination of Yield Formula</b></p> <p>The Basic Maximum Number shall be derived from the following calculation to determine the total number of lots (or dwelling units):</p> <p>Total Number of Lots = <u>TA – (0.5 x WA) – (0.1 x TA)</u></p> <p>Existing minimum lot area (1 acre)</p> <p>TA = Total Area of Parcel (Acres) WA = Wetlands and Riverfront Areas of Parcel (Acres)</p> <p>The calculation of the number of Basic Maximum Number of Housing Units shall be rounded to the next whole number for units equal to 0.5 or greater.</p> <p><b>OR:</b></p> <p><b>2. Determination of Yield Plan</b></p> <p>The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.</p> <p><b>b. Dimensional Requirements</b></p> <p>Lots sizes may be reduced in area from the requirements of the Zoning Bylaws of the Town of</p>	<p>calculation to determine the total number of lots (or dwelling units):</p> <p>Total Number of Lots = TA – (50 percent x WA) – (0.1 x TA)</p> <p>Existing minimum lot area (1 acre)</p> <p>TA = Total Area of Parcel (Acres) WA = Wetlands and Riverfront Areas of Parcel (Acres)</p> <p>The calculation of the number of Basic Maximum Number of Housing Units shall be rounded to the next whole number for units equal to 50 percent or greater.</p> <p><b>OR:</b></p> <p><b>2. Determination of Yield Plan.</b> The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.</p> <p><b>B. Dimensional Requirements.</b> Lots sizes may be reduced in area from the minimum requirements of the Zoning Bylaw according to the following schedule:</p> <p>R40 and Farming Districts, 43,560 square feet (one acre) to 10,000 square feet</p>
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<p>Tewksbury according to the following schedule:</p> <p>R40 and Farming Districts, 43,560 Sq.Ft. to 10,000 Sq. Ft.</p> <p>The Planning Board may waive lot size requirements when significant benefit relating to the Purpose and Intent of the OSRD Special Permit are found as determined by the Planning Board.</p> <p><b>c. Flexible Frontage</b></p> <ol style="list-style-type: none"> <li>1. The combined frontage of the lots of an Open Space Residential Design shall equal or exceed 50 feet for each lot created. <i>[For example, in an R40 development, to create a six-lot development, the combined frontage of the parcels must be a minimum of 300 feet, not to include frontage on existing public ways.]</i></li> <li>2. Provided that all other requirements of this bylaw are met, the minimum frontage required for individual lots within an Open Space Residential Design shall be 40 feet with the exception described in 7544.d.3.below. Each lot shall have adequate access on a public or private way which meets the standards in this Section.</li> <li>3. To the extent feasible, protected open space shall be located adjacent to public ways. Any building lot which fronts on an existing public or private road shall have the frontage normally required in the zoning district.</li> </ol> <p><b>d. Groups of House Lots and location of Open Space</b> shall be determined per the requirements of the Planning Board's Rules and Regulations.</p>	<p>The Planning Board may waive lot size requirements when significant benefit relating to the Purpose and Intent of the OSRD Special Permit are found as determined by the Planning Board.</p> <p><b>C. Flexible Frontage</b></p> <ol style="list-style-type: none"> <li>1. Unless waived by the Planning Board, the combined frontage of the lots of an Open Space Residential Development shall equal or exceed 50 feet for each lot created. For example, in an R40 development, to create a six-lot development, the combined frontage of the parcels must be a minimum of 300 feet, not to include frontage on existing public ways.</li> <li>2. To the extent feasible, protected open space shall be located adjacent to public ways. Any building lot which fronts on an existing public or private road shall have the frontage normally required in the zoning district.</li> </ol> <p><b>D. Groups of house lots and location of open space</b> shall be as determined by the Planning Board.</p> <p><b>E. Open Space Requirement.</b></p> <ol style="list-style-type: none"> <li>1. A minimum of 50 percent of the proposed tract of land shall be Open Space.</li> </ol>
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<p><b>e. Open Space Restriction:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> A minimum of fifty percent (50%) of the development tract shall be Open Space.</li> <li><b>2.</b> No more than fifty percent (50%) of the designated open space may be comprised of wetlands, or land having an average grade greater than twenty-five percent (25%).</li> <li><b>3.</b> Wastewater and stormwater management systems serving the OSRD may be located within the open space.</li> <li><b>4.</b> Open Space Ownership. At the applicant's request and approval of the Planning Board, the open space may be owned by: <ul style="list-style-type: none"> <li>(a) A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with a prepared conservation restriction;</li> <li>(b) A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;</li> <li>(c) The Town of Tewksbury Conservation Commission; or</li> <li>(d) A homeowners association (HOA) with documentation that is provided by the applicant and reviewed and approved by Town Counsel and the Planning Board.</li> </ul> </li> </ol> <p>Selection of ownership option (a), (b) or (d)</p>	<ol style="list-style-type: none"> <li><b>2.</b> No more than 50 percent of the designated open space may be comprised of wetlands or land having an average grade greater than 25 percent.</li> <li><b>3.</b> Wastewater and stormwater management systems serving the OSRD may be located within the open space.</li> <li><b>4.</b> Open Space Ownership. At the applicant's request and approval of the Planning Board, the open space may be owned by: <ul style="list-style-type: none"> <li>a. A private owner for agricultural, horticultural, forestry, or any other purpose not inconsistent with a prepared conservation restriction;</li> <li>b. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;</li> <li>c. The Tewksbury Conservation Commission; or,</li> <li>d. A homeowners' association (HOA) with documentation that is provided by the applicant and reviewed and approved by Town Counsel and the Planning Board.</li> <li>e. Selection of ownership option (a), (b) or (d) requires: <ul style="list-style-type: none"> <li>• The conveyance of a conservation restriction as</li> </ul> </li> </ul> </li> </ol>
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	<p>requires:</p> <p>i. The conveyance of a conservation restriction as outlined herein; and</p> <p>ii. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Tewksbury may after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town of Tewksbury shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58 the Town of Tewksbury may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57 the Town of Tewksbury may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.</p> <p>5. Open Space Recording. In order to insure that the corporation, non-profit organization or trust will properly maintain the unsubdivided land or open space, an instrument(s) shall be recorded at the Middlesex North Registry of Deeds which shall</p>	<p>outlined herein; and,</p> <ul style="list-style-type: none"> <li>• The granting of an access easement over this land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land. The easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Tewksbury may, after notice to the lot owners and public hearing, enter upon the designated open space to maintain it in order to prevent or abate a nuisance. The cost of this maintenance by the Town of Tewksbury shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. c. 40 § 58 the Town of Tewksbury may file a lien against the lot or lots to ensure payment for the maintenance. Pursuant to G.L. c. 40 § 57, the Town of Tewksbury may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.</li> </ul> <p>5. Open Space Recording. In order to ensure that the corporation, non-profit organization, or trust will properly maintain the unsubdivided land or open space, an instrument(s) shall be recorded with the Middlesex North Registry of Deeds which shall provide as a minimum the following requirements:</p>
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<p>provide as a minimum the following requirements:</p> <p><b>(a)</b> A legal description of the unsubdivided land or open space;</p> <p><b>(b)</b> A statement of the purposes for which the unsubdivided land or open space is intended to be used and the restrictions on its use and alienation;</p> <p><b>(c)</b> The type and name of the corporation, non-profit organization, or trust which will own, manage and maintain the unsubdivided land or open space;</p> <p><b>(d)</b> Provision for the management, maintenance, operation improvement and repair of the unsubdivided land or open space and facilities therein, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the subdivided land or open space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the cluster development, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record;</p> <p><b>(e)</b> The method by which such instrument(s) may</p>	<p>a. A legal description of the unsubdivided land or open space;</p> <p>b. A statement of the purposes for which the unsubdivided land or open space is intended to be used and the restrictions on its use and alienation;</p> <p>c. The type and name of the corporation, non-profit organization, or trust which will own, manage and maintain the unsubdivided land or open space; and,</p> <p>d. Provision for the management, maintenance, operation improvement and repair of the unsubdivided land or open space and facilities therein, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the subdivided land or open space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against the owner's real estate in the cluster development, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record.</p>
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	<p>be amended.</p> <p><b>7545. PUBLIC HEARING</b></p> <p>After the opportunity for review by other boards has taken place, the Planning Board shall hold a hearing under this section, in conformity with the provisions of G.L. Chapter 40A, S9 and of the zoning bylaw and regulations of the Planning Board.</p> <p><b>7546. DECISION OF THE PLANNING BOARD</b></p> <p>The Planning Board may grant a special permit for a OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors:</p> <ul style="list-style-type: none"> <li>a. whether the OSRD furthers the goals and policies of the open space/master plan.</li> <li>b. whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional subdivision plan;</li> <li>c. whether the OSRD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;</li> <li>d. whether the OSRD promotes a less sprawling and more efficient form of development that consumes less open</li> </ul>		<p><b>8.4.8.D. Decision.</b></p> <p>The Planning Board may grant a special permit for an OSRD that complies in all respects with this Section 8.4 if the Board determines that the proposed OSRD will have a less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors:</p> <ol style="list-style-type: none"> <li>1. whether the OSRD furthers the goals and policies of the open space/master plan;</li> <li>2. whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional subdivision plan;</li> <li>3. whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;</li> <li>4. whether the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;</li> </ol>
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	<p>land and conforms to existing topography and natural features better than a conventional subdivision;</p> <p>e. whether the OSRD reduces the total amount of disturbance on the site;</p> <p>f. whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.</p> <p>g. whether the OSRD and its supporting narrative documentation complies with all sections of this zoning bylaw.</p> <p>h. whether the OSRD complies with the recommendations of the Department of Public Works, the Board of Health and the Conservation Commission.</p> <p>i. whether it appears that because of soil characteristics, drainage, traffic or other conditions , the granting of such a permit would be detrimental to the health, safety or welfare of the neighborhood or Town or inconsistent with the intent of the OSRD bylaw.</p> <p><b>[pp. 73-80]</b></p>		<p>5. whether the OSRD reduces the total amount of disturbance on the site;</p> <p>6. whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.</p> <p>7. whether the OSRD and its supporting narrative documentation complies with all sections of this zoning bylaw;</p> <p>8. whether the OSRD complies with the recommendations of the Department of Public Works, the Board of Health and the Conservation Commission and,</p> <p>9. whether it appears that because of soil characteristics, drainage, traffic, or other conditions, the granting of a special permit would be detrimental to the health, safety or welfare of the neighborhood or Town or inconsistent with the intent of the OSRD bylaw.</p> <p><b>[pp.92-96]</b></p>
	<b>SECTION 8000. OVERLAY DISTRICTS</b>		
<b>8100</b>	<b>FLOODPLAIN DISTRICT</b> <b>[pp. 80-85]</b>	<b>5.5</b>	<b>FLOODPLAIN DISTRICT—NO CHANGE</b> <b>[pp.40-42]</b>
<b>8300</b>	<b>GROUND WATER PROTECTION DISTRICT</b> <b>[pp. 85-91]</b>	<b>5.6</b>	<b>GROUNDWATER PROTECTION DISTRICT—NO CHANGE</b> <b>[pp. 42-48]</b>
<b>8400</b>	<b>INTERSTATE OVERLAY DISTRICT</b>	<b>5.8</b>	<b>INTERSTATE OVERLAY DISTRICT</b>

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	<p><b>8401. Purpose.</b> The purpose of this Overlay District is to provide for the controlled development and utilization of those portions of land located within the Town of Tewksbury that are intersected by roadways that are part of the Federal Interstate Highway System.</p> <p><b>8402. Scope of Authority.</b> The Interstate Overlay District is an overlay district that may be superimposed on all Heavy Industrial (HI) and Commercial (COM) zoning districts. All uses permitted in the underlying Heavy Industrial (HI) and Commercial (COM) Districts shall be allowed in the Interstate Overlay District as further described in Appendix A: Table of Use Regulations subject to said existing by-right and special permit requirements. The following additional uses shall also be allowed in the Interstate Overlay District upon the issuance of a Special Permit from the Planning Board: (a) Automotive Refueling Station and accessory uses incidental thereto; (b) Car Wash; and, (c) Motor Vehicle Rental or Leasing Agencies, as an accessory use only.</p> <p>In implementing the provisions of Section 8400, the Planning Board may approve pursuant to the provisions of Section 8400, not more than one (1) additional Special Permit for the operation of an Automotive Refueling Station during any subsequent calendar year, January 1 – December 31. Such approvals shall be in addition to those Automotive Refueling Stations (a/k/a Gas Stations) existing on the</p>	<p><b>5.8.1.</b></p> <p><b>5.8.2.</b></p>	<p><b>Purpose</b></p> <p>The purpose of the Interstate Overlay District is to provide for the controlled development and utilization of those portions of land located within the Town of Tewksbury that are intersected by roadways that are part of the Federal Interstate Highway System.</p> <p><b>Scope of Authority</b></p> <p>A. The Interstate Overlay District is an overlay district that may be superimposed on the Industrial and General Business Districts. All uses permitted or allowed by special permit in the underlying districts shall be allowed in the Interstate Overlay District.</p> <p>B. The following additional uses shall also be allowed in the Interstate Overlay District by special permit from the Planning Board:</p> <ol style="list-style-type: none"> <li>1. Automotive Refueling Station and accessory uses incidental thereto.</li> <li>2. Car Wash.</li> <li>3. Motor Vehicle Rental or Leasing Agencies, as an accessory use only.</li> </ol> <p>C. Limitations. The Planning Board may approve pursuant to this Section 5.8 not more than one additional special permit for the operation of an automotive refueling station during any subsequent calendar year, January 1 – December 31. Approvals shall be in addition to those automotive refueling stations (a/k/a gas stations) existing on the effective date of this Zoning Bylaw that are authorized by special permit or do otherwise exist on said date as a lawfully preexisting nonconforming use. This limitation shall not be deemed to impair or prevent the renewal of any license, special permit, or other</p>

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	<p>effective date of this Zoning Bylaw that are authorized by Special Permit or do otherwise exist on said date as an authorized grand-fathered use. The establishment of this limitation shall not be deemed to impair or prevent the renewal of any license, special permit, or other governmental approval necessary to operate and maintain an Automotive Refueling Station use granted prior to the effective date of Section 8400.</p> <p><b>8410. Location. The Interstate Overlay District shall be defined as follows:</b></p> <ol style="list-style-type: none"> <li>1. That portion of the Town of Tewksbury (a) situated within a one half (½) mile radius of a circle, the radius point of which is the intersection of the Massachusetts Highway Department layout of Route Interstate Route 93 and Dascomb Road, in Andover.</li> <li>2. That portion of the Town of Tewksbury situated within a one quarter (¼) mile radius of a circle, the radius point of which is the intersection of the Massachusetts Highway Department layout of Route 38 (Main Street) and Interstate Route 495.</li> <li>3. That portion of the Town of Tewksbury situated within a one half (1/2) mile radius of a circle, the radius point of which is the intersection of Massachusetts Highway Department layout of Interstate Route 495 and Woburn Street, in Lowell, with frontage</li> </ol>	<p><b>5.8.3.</b></p>	<p>governmental approval necessary to operate and maintain an automotive refueling station use granted prior to the effective date of this Section 5.8.</p> <p><b>Location</b></p> <p>The boundaries of the Interstate Overlay District shall be as shown on the Zoning Map under Section 4.2.</p>
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	<p>on Woburn Street, with westerly side line of Woburn Street in Tewksbury.</p> <p>4. That portion of the Town of Tewksbury shown on the attached Map, which is an extension of the overlay described in 8410.2 above, near the intersection of Routes 38 and 495. In this portion of the overlay, the overlay district may be superimposed on the Commercial (COM) District land with frontage on Main Street.</p> <p><b>8411.</b> In the event that the location of a boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation</p> <p><b>8420. Dimensional Regulations.</b></p> <p><b>8421.</b> Dimensional Regulations. All dimensional regulations in the Interstate Overlay District shall be in accordance with the provisions of Section 4000, Dimensional Regulations and Appendix B.</p> <p><b>8430. General Regulations</b></p> <p><b>8431.</b> Parking and Loading Requirements. Parking and loading requirements shall be in accordance with the provisions of Section 5100 and Appendix C.</p>		<p><b>5.8.4. Dimensional Regulations</b> Dimensional Regulations. All dimensional regulations in the Interstate Overlay District shall be in accordance with the regulations of the underlying district(s).</p> <p><b>5.8.5. General Regulations</b> Parking and loading, signs, and landscaping and screening shall be in accordance with the requirements of the underlying districts.</p>
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	<p><b>8432.</b> Signs. Sign requirements shall be in accordance with the provisions of Section 5200.</p> <p><b>8433.</b> Environmental Performance Standards. Environmental Performance Standards shall be in accordance with the provisions of Section 5300.</p> <p><b>8440. Landscaping, Screening and Buffer Requirements</b></p> <p><b>8441.</b> All landscaping, screening and buffer Requirements in the Interstate Overlay District shall be in accordance with the provisions of Section 5400, Landscaping, Screening and Buffer Requirements.</p> <p><b>8450. Site Design</b></p> <p><b>8451.</b> Applicants requesting to sell diesel fuel shall provide: Site design and signage standards including but not limited to: low canopies and slow rate pumps for the sale of diesel fuel, “No Tractor Trailer Service” signs, and on site landscaping and parking designed to deter and exclude sale of diesel fuel to tractor trailers in combination, as approved by the Planning Board. <i>[pp. 91, 92]</i></p>	<p><b>5.8.6.</b></p>	<p><b>Special Site Design Considerations</b> Applicants requesting to sell diesel fuel shall provide site design and sign standards that are designed to deter and exclude sale of diesel fuel to tractor trailers in combination, including but not limited to low canopies and slow rate pumps for the sale of diesel fuel, “No Tractor Trailer Service” signs, and on-site landscaping and parking, as approved by the Planning Board.  <i>[pp.50-51]</i></p>
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8500	<b>HIGHWAY CORRIDOR OVERLAY DISTRICT</b> <i>[pp. 92-105]</i>		<b>DELETED IN ITS ENTIRETY</b>
8600	<b>TOWN CENTER OVERLAY DISTRICT</b>		<b>TOWN CENTER DISTRICT</b>
	<p><b>8601. Purpose:</b> The purposes of the Town Center Overlay District (TCOD) are to:</p> <ul style="list-style-type: none"> <li>a) encourage a mix of business, residential, cultural, educational and civic uses;</li> <li>b) promote compact development that is pedestrian-oriented and preserves the historic value and character of the area;</li> <li>c) minimize impacts on public services and maximize the efficient use of public infrastructure;</li> <li>d) increase the town's tax base by creating a thriving small business environment, attracting new investment and promoting economic development;</li> <li>e) provide diverse housing opportunities; and</li> <li>f) encourage the reuse of existing underutilized or vacant properties.</li> </ul> <p>The following bylaw is intended to support the goals, objectives and recommendations outlined in the Town's Master Plan, and the Town of Tewksbury Affordable Housing Plan and Housing Production Strategy. Applications submitted under the TCOD bylaw shall meet the criteria and guidelines outlined in the corresponding Town Center Design Guidelines.</p> <p><i>[p. 105]</i></p>	<b>5.2.2.A</b>	<p>Town Center (TC). The Town Center is the civic, social, cultural, and governmental hub of the Town. Development here is intended to respect and enhance the historic architectural fabric of the Town Center, to provide a high quality of goods and services, particularly specialty goods, and to encourage shopping, socializing, and lingering in the district.</p> <p><i>[p.31]</i></p>
	<p><b>8602. Boundaries.</b> The boundaries of the TCOD shall be as shown on the Town of Tewksbury Town Center Overlay Zoning Map, on file in the office of the Town Clerk.</p>	<b>4.2</b>	<p><b>Zoning Map</b> <i>[p.29]</i></p>

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	<b>[p. 105]</b>		
	<p><b>8603. Relationship to Existing Zoning.</b> The underlying zoning shall remain an integral part of the Tewksbury Zoning Bylaw and is not modified, repealed nor amended by this section. The property owners in this overlay district shall possess all current zoning rights including by-right uses for the underlying districts and be subject to the requirements applicable in the underlying zones when utilizing the uses allowed in the underlying district. In the event that an owner desires to use the owner's property for development as here defined, the regulations of this overlay district shall apply and by filing an application for development subject to such regulations, the owner accepts and is bound by such regulations. Municipal Zoned properties located within the TCOD are not eligible to apply for a permit under the provisions of the TCOD. Where this overlay district's provisions are silent on a zoning rule, the requirements of the underlying zoning shall apply to such as, but not limited to, off street parking and open space requirements. In addition, projects allowed under the underlying zoning are not eligible to apply under this overlay district unless they meet all of the requirements of this overlay district.</p> <p><b>[p. 105]</b></p>		<i><b>(Not applicable as the Town Center District is an underlying district.)</b></i>
	<p><b>8604. Use Regulations and Definitions.</b> The following uses are allowed in the TCOD subject to the requirements outlined in these TCOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:</p>	<b>5.4.3</b>	<b>Table of Uses (Appendix A)</b> <b>[p.38]</b>

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	<ol style="list-style-type: none"> <li>1. Residential Uses (as a component of a mixed-use development):               <ol style="list-style-type: none"> <li>a. Multifamily</li> <li>b. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area.</li> <li>c. Assisted living facilities</li> </ol> </li> <li>2. Government, Institutional and Public Service Uses:               <ol style="list-style-type: none"> <li>a. Municipal</li> <li>b. Educational</li> <li>c. Religious</li> <li>d. Post Office</li> <li>e. Recreation</li> </ol> </li> <li>3. Business Uses               <ol style="list-style-type: none"> <li>a. Retail Store, not exceeding 7,500 sq. ft. of gross floor area per individual establishment.</li> <li>b. Professional Offices, not exceeding 10,000 sq. ft. of gross floor area per individual office establishment</li> <li>c. Financial Services/Bank</li> <li>d. Restaurant, fast food, general or limited service, not exceeding 4,000 sq. ft. of gross floor area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant</li> <li>e. Hotel, Inn</li> <li>f. Bed and Breakfast</li> <li>g. Lodge or Club (Membership)</li> <li>h. Personal Services</li> <li>i. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate paintings, sculptures, statues, photography, furniture and similar art forms.</li> </ol> </li> </ol>		
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Color Code: Green- No Comparable ClauseRed- Deleted in its entiretyBlue- No Change

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	<p>j. Commercial Recreation, Indoor</p> <p>k. Parking Facility: A public or private parking area or structure that is open to shelter or storage of motor vehicles by residents, customers and employees for permitted uses in the TCOD.</p> <p>l. Day Care Facility</p> <p>m. Performance Theater: A building or structure designed for theatrical and other staged entertainment services.</p> <p>n. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.</p> <p>o. Art Gallery: A room or series of rooms where works of art are exhibited.</p> <p>4. Mixed use development: A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use or a building or buildings, used for retail, commercial, service or office, with residential housing in a separate building or buildings.</p> <p><b>[pp. 105-106]</b></p>		
	<p><b>8605. Prohibited Uses.</b> Any use not listed above is to be considered prohibited. Drive through services and windows, and Adult Use Establishments are not allowed for any use in the TCOD district.</p> <p><b>[p. 106]</b></p>	<b>5.4.2</b>	<p><b>Prohibited Uses</b></p> <p><b>[p.37]</b></p>
	<p><b>8606. Site Plan Special Permit.</b> All uses and structures in the TCOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the</p>	<b>6.4</b>	<p><b>TOWN CENTER DISTRICT DEVELOPMENT STANDARDS</b></p> <p>Development in the Town Center District shall conform to the following building and site standards in order to be eligible for site plan approval under Section 3.6 or a special</p>

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	<p>Zoning Bylaw. In addition to the requirements of these sections, all design criteria of the TCOD shall apply as described in the <u>Town Center Design Guidelines</u>. The Planning Board shall be the Special Permit Granting Authority.</p> <p><b>[p. 106]</b></p>	<p>permit from the Planning Board. These standards are supplemental to, not a substitution for, the dimensional and design regulations in Section 5.</p> <p><b>C. Sidewalks</b></p> <ol style="list-style-type: none"> <li>1. Except as provided below, any development of 10,000 square feet or more shall provide a sidewalk at least six feet wide and a planting zone along the full length of the front lot line, except for the entrance to the driveway. Sidewalks may be located wholly or partially within the street right of way. If on the lot, sidewalks shall be considered part of the minimum required landscaped open space.</li> <li>2. Sidewalks shall be separated from the road, wherever feasible, with a landscaped buffer/planting zone meeting the requirements of Section E(1) below. The landscaped buffer may contain street design elements such as benches.</li> <li>3. Outdoor restaurants and café seating, merchandise displays, planters, and sandwich board signs that are located on the sidewalk shall be located no more than 3 feet from the building and shall leave a pathway of at least 4 feet that is free of obstruction.</li> <li>4. A development of less than 10,000 square feet may provide a sidewalk meeting the minimum specifications of this section or provide a payment in lieu of sidewalk construction to the Tewksbury Sidewalk Fund.</li> <li>5. In its discretion, the Planning Board may authorize a payment in lieu by special permit for a development of 10,000 square feet or more where construction of a sidewalk is infeasible for physical or economic reasons. The burden of proof shall be on the applicant.</li> </ol> <p><b>D. Walkways</b></p>
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			<ol style="list-style-type: none"> <li>1. All developments shall provide walkways connecting building entrances to building entrances, buildings to streets, and buildings to sidewalks and adjacent public features such as parks and playgrounds, with minimal interruption by driveways or curb cuts.</li> <li>2. Parking lot aisles and access and interior driveways shall not count as walkways. Walkways should be designed with wider gathering points that may include special features such as water elements or public art. The Planning Board may require benches and other places for people to wait, bicycle racks, stroller bays, and other sheltered spaces near building entrances.</li> <li>3. Wherever possible, walkways should have some degree of enclosure achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means in order to define the pedestrian space.</li> <li>4. Walkways and related pedestrian amenities shall be considered part of the minimum required landscaped open space.</li> </ol> <p><b>E. Landscaping</b></p> <ol style="list-style-type: none"> <li>1. There shall be a minimum planting zone of four feet between the sidewalk in front of a building and the curb. Shade trees and other plantings shall be incorporated in the landscaping plan to help to soften the building façade, create a protective barrier between the street and sidewalk, reduce solar glare, reduce stormwater runoff, absorb pollutants, provide shade, create an appealing environment, and contribute to a sense of place. Selection of shade trees and street trees shall</li> </ol>
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			<p>conform to Planning Board guidelines. Landscaping shall be organized in clusters of plantings rather than in a rigid linear arrangement along the front lot line.</p> <ol style="list-style-type: none"> <li>2. Wherever possible, unity of landscape design shall be achieved by repetition of certain plant varieties and other materials and, where appropriate, by correlation with adjacent properties.</li> <li>3. Side yards and rear yards shall be landscaped with trees, shrubs, walls, fences, or other landscape elements to reduce the visual impact of the principal use on adjacent property. On lots abutting a single-family residential district, landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least eight feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five feet, but not more than eight feet, in height, or such other type of landscaping as may be required by the Planning Board.</li> <li>4. Wherever possible, existing trees and mature, healthy vegetation shall be preserved and changes to the natural topography of a site shall be minimized.</li> <li>5. Site landscaping shall not block a driver's view of oncoming traffic.</li> </ol> <p><b>F. Exterior Lighting.</b> Throughout the TC District, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. Toward these ends, exterior lighting shall conform to the following standards, and shall be in accordance with a lighting</p>
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			<p>plan approved by the Planning Board.</p> <ol style="list-style-type: none"> <li>1. Pedestrian Lighting <ol style="list-style-type: none"> <li>a. Pedestrian lighting shall be designed to add to the character, aesthetic appeal, and safety of a development and thereby promote greater pedestrian activity.</li> <li>b. Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, light fixtures shall be downcast or full cutoff fixtures.</li> <li>c. When pedestrian lighting is used in conjunction with street lighting, the pedestrian lighting shall be clearly distinguishable from the ambient street lighting to clearly define the pedestrian path of travel.</li> <li>d. Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the overall continuity of the streetscape and development. The Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern over the use of minimum number of tall fixtures.</li> </ol> </li> <li>2. Parking Areas <ol style="list-style-type: none"> <li>a. Within parking areas, there shall be a unified lighting system that provides functional, attractive lighting throughout the lot.</li> <li>b. Fixtures shall be full cutoff and designed to minimize spill light and glare onto adjacent properties. Parking area lighting adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.</li> <li>c. Parking area lighting shall be turned off one hour after the close of business except as needed to</li> </ol> </li> </ol>
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			<p>provide for minimum security levels.</p> <p>d. Parking area lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to pedestrian circulation and gathering areas, parking area lighting shall not overpower the quality of pedestrian area lighting.</p> <p><b>G. Access and Parking</b></p> <p>1. No vehicular driveway or parking lot shall be placed between the front building line and front lot line, or in front of a building as seen from the street if the building is located on a different lot than the driveway or parking lot. A driveway and parking lot may be placed in the front of a building that is located in the rear of another building when viewed from a street. No driveway or parking lot shall be located between a pedestrian gathering space and a street except for a pedestrian gathering space located behind a building when viewed from a street. No driveway or parking lot shall intersect or be mixed with a pedestrian gathering space.</p> <p>2. Vehicular driveways and parking lots may be located to the side and rear of buildings, to the rear of a pedestrian gathering space, or underground. Where parking is located to the rear of buildings with additional buildings behind, a quadrangle effect should be created to allow parking, landscaping, and walkways or bikeways surrounded on all sides by shops and activity centers.</p> <p><b>H. Buildings</b></p> <p>1. On any lot abutting Route 38/Main Street the main entrance shall be on the front façade, which shall face the street.</p>
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			<p>2. Blank walls facing a public street or pedestrian plaza are prohibited. Walls or portions of walls where windows are not provided should have architectural treatment, exceptional design elements such as masonry elements that provide texture and color, decorative tile work, artwork, opaque or translucent glass, or lighting fixtures.</p> <p>3. Rooflines shall provide visual interest, be in keeping with the surrounding character, and be used to break up massing wherever appropriate. When the gable end of a building faces the street, it must be peaked and not flat. Modulating rooflines is encouraged, such as with dormers, varying the direction of the slope, having different projecting architectural elements, or using a variety of exterior cladding materials.</p> <p>4. The building front facades shall be articulated to achieve a human scale and interest, especially at the ground floor of the building. The application of different textures, shadow lines, and detailing shall be required for site plan approval.</p> <p>5. Upper-story exteriors shall be accentuated with balconies, terraces, or porches to provide depth to the building and enliven the façade.</p> <p>6. The ground floor of the front of buildings facing the street shall be designed for occupancy by businesses that are essential for a high-level activity zone, e.g., retail and restaurants. Large buildings that face Main Street but are set back via a courtyard may have a wider variety of ground floor nonresidential uses, such as commercial entertainment, health care, or business services.</p> <p>7. The main business entrance to each ground</p>
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			<p>floor business, identified by larger doors, signs, canopy, or similar means of accentuation, shall be from the building front.</p> <p>8. Ground floor display windows shall be framed on all sides by the surrounding wall and shall be highlighted with frames, lintels, and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.</p> <p>9. The main features of the architectural treatment of the building front facades, including the materials used, shall continue on all sides of the building that are visible from a street or a pedestrian gathering space.</p> <p>10. Accessory structures, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall not be visible from the street and adjacent lots.</p> <p>11. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.</p> <p>12. Applicants shall incorporate sustainable design principles wherever possible.</p> <p>13. Where first-floor residential uses are allowed, access to the units shall be via a stoop or porch unless such access conflicts with architectural access requirements in the State Building Code. An elevated entrance shall not be required for live/work units.</p> <p><b>I. Additional Requirements for Town Center Major Developments</b></p> <p>1. Pedestrian Gathering Spaces. Any development of 25,000 square feet or more shall</p>
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			<p>provide one or more pedestrian plazas or similar gathering spaces for outdoor dining, public art, or social or cultural activities. The purpose of pedestrian gathering spaces is to encourage residents, customers, and employees of Route 38 businesses to linger, shop, and socialize, and to experience the commercial corridor on foot wherever possible. Pedestrian gathering spaces shall be open to the general public.</p> <p>a. The pedestrian gathering space (or combined spaces if more than one) shall measure at least 5 percent of the net floor area on the lot, but not more than a total of 2,500 square feet and shall be required. At least one pedestrian gathering space shall measure 1,500 square feet or more with a minimum side dimension of 20 feet. No pedestrian gathering space shall measure more than 3,000 square feet. The Planning Board may grant a special permit for a smaller pedestrian gathering space if it meets the purposes of this Section.</p> <p>b. The pedestrian gathering space shall be a natural gathering spot at the street level in front of a building, on the side of a building, or in between buildings, which is to be used exclusively by pedestrians and shall connect to the sidewalk and walkways. For purposes of this Section, a landscaped pedestrian arcade located within a building footprint and open to the outdoors may be counted toward the minimum area required for a pedestrian gathering space.</p> <p>c. Where possible, the pedestrian gathering space shall be open on one side to an adjacent</p>
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			<p>larger space, natural view, or activity area such as an outdoor cafe, coffee cart, food stand, game tables, or playground. Within the pedestrian gathering space, at least one seating area or activity pocket shall be placed along the edge of the space looking into the plaza. The pedestrian gathering space shall provide pedestrian amenities such as benches, kiosks, and other partly enclosed outdoor structures to facilitate waiting or group activities. For a gathering space with sitting walls, they shall be no higher than 20 inches and at least 12 inches wide. Creativity is encouraged in the design of the pedestrian gathering space and the activities it supports. Efforts should be made to align open spaces with adjoining properties.</p> <p>d. Shade trees, ornamental trees, and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify/enhance the appearance of the district, and to mitigate exhaust fumes. All landscaping shall use species that are tolerant to the climate conditions in Tewksbury and shall be designed to facilitate ongoing maintenance and watering.</p> <p>e. Nothing in this Bylaw shall prohibit the serving of foods and drinks at outdoor tables in a pedestrian gathering space.</p> <p>f. A pedestrian gathering space shall be considered part of the minimum required landscaped open space. The area required for a sidewalk shall not be included in the pedestrian gathering space.</p> <p><b>[pp.72-77]</b></p>
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	<p><b>8607. Concept Plan.</b> Prior to the application for approval of any special permit for a TCOD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of this TCOD and shall include: (a) a site development plan showing the location and footprint(s) of all proposed buildings, changes in grading and topography, parking, landscaping, roads, walkways and access ways, open space, and wetlands; (b) a utilities plan showing the proposed location and types of water, wastewater and stormwater facilities, including hydrants; (c) a lighting plan; (d) a sign plan; and, (e) subdivision plan(s), if applicable. The Planning Board may solicit public comment on the Concept Plan. Any comments of the Planning Board on the Concept Plan shall be advisory in nature only and shall be without binding effect on either the Planning Board or the Applicant.</p> <p>To attain the goals of the TCOD, collaborative development proposals involving more than one property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and</p>		

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transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of TCOD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.

#### 8608. Dimensional Requirements.

Buildings within the TCOD shall conform to the following requirements:

Minimum Lot Area	10,000 square feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	10 feet
Minimum Side Yard Setbacks	Combined- 10 feet
Minimum Side Yard Setback abutting a residential district	50 feet
Minimum Rear Setback	15 feet
Minimum Rear Setback when abutting a residential	50 feet
Maximum Building Height	3 stories or 45 feet

[pp.106-107]

#### 6.4

##### A. Setbacks

1. No use or activity other than landscaping, outdoor dining, public art, sidewalks, seating, street furniture, multiuse paths, or signs shall be permitted between the front building line and the curb. Off-street parking shall not be allowed except by special permit from the Planning Board and no special permit shall be granted except for lots with less than 100 feet of frontage.

2. The maximum front setback may be increased to accommodate amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

##### 3. Permitted Encroachments

a. Low impact stormwater management features may encroach into the first four feet of a required setback. The features may include but are not limited to: rain barrels or cisterns, six feet or less in height; planter boxes; bioretention areas; or similar features with approval from the Planning Board.



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		<p>b. Porches, stoops, balconies, marquees, arcades, awnings/canopies, building eaves, roof overhangs, gutters, downspouts, light shelves, and bay windows may encroach up to 2 feet into a required setback.</p> <p>c. Structures below and covered by the ground may encroach into a required setback.</p> <p><b>B. Height</b></p> <p>1. The maximum height limits in Section 5.3.3 do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks/towers or other similar structures which, by design or function, must exceed the established height limits.</p> <p>2. The following accessory structures may exceed the height limit by not more than five feet:</p> <p>a. Chimney, flue or vent stack, spire, smokestack, water tank, windmill;</p> <p>b. Rooftop deck, patio, shade structure;</p> <p>c. Monument, steeple, flagpole;</p> <p>d. Accessory radio or television antenna, relay tower;</p> <p>e. Transmission pole, tower or cable;</p> <p>f. Garden, landscaping;</p> <p>g. Skylight;</p> <p>h. Cupola, clock tower, or decorative tower not exceeding 20 percent of the principal building footprint; or,</p> <p>i. Solar panel, wind turbine, rainwater collection system.</p> <p>3. The following accessory structures may exceed the height limit by not more than 10 feet, provided: (1) they do not occupy more than 25 percent of the roof area; and, (2) are set back at least 10 feet from the edge of the roof.</p> <p>a. Elevator or stairway access to roof;</p> <p>b. Greenhouse; and,</p> <p>c. Mechanical equipment.</p>
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			<p>4. An accessory structure located on the roof shall not be used for any purpose other than a use incidental to the principal use of the building.</p> <p><b>[pp.72-73]</b></p>
	<p><b>8609. Special Provisions.</b> The following special provisions apply to all development within the TCOD:</p> <p>1. The Planning Board may modify all dimensional requirements outlined in Section 8608 and all square foot limitations as set forth in 8604.3, except Maximum Building Height of 3 stories or 45 feet, if, in its opinion, such modifications will result in improved design that is in keeping with Section 8601 above.</p> <p>Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access as defined in paragraph 3 below, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to Town Counsel and approved by the Planning Board.</p> <p>2. Site access is preferred to be provided via Main Street, East Street or Pleasant Street in a fashion that is acceptable to the Planning Board and by means that are not primarily residential in nature. Site access by only; Dewey Street, Summer Street, Town Hall Avenue, Cross Street, Robinson Avenue, Cross Street, Kelley Terrace, and Lee Streets may be allowed by the Planning Board if it finds that said access does not unreasonably impact residential neighborhoods with consideration given for properly mitigated</p>		

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	noise, traffic, visual and environmental impacts attributable to the project.  <b>[pp. 107, 108]</b>		
	<b>8610. Parking Requirements.</b> The parking requirement for any use in the TCOD shall be the same as required in Appendix C: Table of Parking Requirements. The Planning Board may reduce the required number of parking spaces in the TCOD based on the following considerations:  1. The availability of shared parking on another property. The Board may require a shared parking agreement to be submitted as part of the application for development. 2. The availability of public transportation.  <b>[p. 108]</b>		
	<b>8611. Criteria for Granting TCOD Special Permit.</b> In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this TCOD bylaw and shall take into consideration the following:  <b>a.</b> Social, economic or community needs which are served by the proposal; <b>b.</b> Traffic flow and safety, including parking and loading; <b>c.</b> Adequacy of utilities and other public services; <b>d.</b> Neighborhood character and social structures; <b>e.</b> Impacts on the natural environment; and <b>f.</b> Potential fiscal impact, including impact on town services, tax base, and employment. <b>g.</b> Protects adjoining premises by minimizing adverse		

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	<p>effects on the natural environment;</p> <p><b>h.</b> Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;</p> <p><b>i.</b> Provides an adequate arrangement of parking and loading spaces in relation to the proposed uses of the premises;</p> <p><b>j.</b> Provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site;</p> <p>Complies with all applicable requirements of this By-Law.</p> <p><i>[p. 108]</i></p>		
	<p><b>8612. Special Permit Conditions</b> The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to:</p> <p><b>a.</b> Dimensional requirements greater than the minimum required by this By-Law;</p> <p><b>b.</b> Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices;</p> <p><b>c.</b> Modification of the exterior features or appearances of the structure(s);</p> <p><b>d.</b> Limitation of size, number of occupants, method and time of operation and extent of facilities;</p>		

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	<p><b>e.</b> Regulation of number, design and location of access drives, drive-up windows and other traffic features;</p> <p><b>f.</b> Requirement of off-street parking and other special features;</p> <p><b>g.</b> Requirement for performance bonds or other security; and</p> <p><b>h.</b> Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land.</p> <p><i>[pp. 108, 109]</i></p>		
<b>8620</b>	<b>VILLAGE RESIDENTIAL OVERLAY DISTRICT</b>		
	<p><b>8621. Purpose:</b> The purposes of the Village Residential Overlay District (VROD) shall be the same purposes as described in the 8601, Town Center Overlay District, in its entirety.</p> <p><i>[p. 109]</i></p>	<b>5.2.1.D</b>	<p>Village Residential (VR). The VR district is located in nodes along Main Street approaching the Town Center and around other key intersections on Route 38. It is intended to accommodate a mix of uses, primarily residential, at a higher density than the Town allows in R40 single-family neighborhoods. The higher residential density in VR is designed to encourage compact neighborhoods close to goods and services and the Town Center, and to encourage new, higher-value mixed-use development in these locations. To promote high-quality architectural and site design in these compact neighborhoods, all principal uses except single-family and two-family dwellings require Site Plan Review with design review by the Planning Board.</p> <p><i>[p.30]</i></p>
	<b>8622. Boundaries:</b> The boundaries of the VROD shall	<b>4.2</b>	<b>Zoning Map</b>

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	be as shown on the Town of Tewksbury Town Center Overlay Map, on file at the office of the Town Clerk. <b>[p. 109]</b>		<b>[p.29]</b>
	<b>8623. Relationship to Existing Zoning:</b> The relationship to existing zoning shall be the same as described in the Town Center Overlay District, in its entirety. <b>[p. 109]</b>		<b><i>(Not applicable as the Village Residential District is an underlying district.)</i></b>
	<b>8624. Use Regulations and Definitions:</b> The following uses are allowed in the VROD subject to the requirements outlined in these VROD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:  1. Residential Uses (as a component of a mixed-use development): a. Multifamily b. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area. c. Assisted living facilities  2. Government, Institutional and Public Service Uses: a. Municipal b. Educational c. Religious d. Public or Private Utility Facilities e. Post Office f. Recreation  3. Business Uses a. Retail Store, not exceeding 1,200 sq. ft. of gross	<b>5.4.3</b>	<b>Table of Uses (Appendix A)</b> <b>[p.38]</b>

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	<p>floor area per individual establishment.</p> <p>b. Professional Offices, not exceeding 2,400 sq. ft. of gross floor area per individual office establishment</p> <p>c. Financial Services/Bank</p> <p>d. Restaurant, fast food, general or limited service, not exceeding 1,200 sq. ft. of gross floor area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant</p> <p>e. Hotel, Inn</p> <p>f. Bed and Breakfast</p> <p>g. Lodge or Club (Membership)</p> <p>h. Personal Services</p> <p>i. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate sculptures, statues, furniture, structures and other art forms.</p> <p>j. Day Care Facility</p> <p>k. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.</p> <p>l. Art Gallery: A room or series of rooms where works of art are exhibited.</p> <p>4. Mixed use development: A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use or a building or buildings, used for retail, commercial, service or office, with residential housing in a separate building or buildings.</p> <p><b>[pp. 109, 110]</b></p>		
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	<b>8625. Prohibited Uses.</b> Any use not listed above is prohibited. Adult use establishments are not allowed for any use in the VROD district. <i>[p. 110]</i>	<b>5.4.2</b>	<b>Prohibited Uses</b> <i>[p.37]</i>
	<b>8626. Site Plan Special Permit.</b> All uses and structures in the VROD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria as described in the <u>Village Residential Design Guidelines</u> . The Planning Board shall be the Special Permit Granting Authority. <i>[p. 110] [PB(=)]</i>	<b>5.4.3</b>	<b>Table of Uses (Appendix A)</b> <i>[p.38]</i>
	<b>8627. Concept Plan.</b> Prior to the application for approval of any special permit for a VROD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of TCOD Section 8607 a. through e.		
	To attain the goals of the VROD, collaborative development proposals involving more than one property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan should describe: the uses proposed, the layout and size of the project, potential		



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	<p>impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of VROD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.</p> <p><i>[pp. 110, 111]</i></p>																		
	<p><b>8628. Dimensional Requirements.</b></p> <p>Buildings within the VROD shall conform to the following requirements:</p> <table><tr><td>Minimum Lot Area</td><td>10,000 square feet</td></tr><tr><td>Minimum Frontage</td><td>50 feet</td></tr><tr><td>Minimum Front Yard Setback</td><td>20 feet</td></tr><tr><td>Minimum Side Yard Setbacks</td><td>Combined- 10 feet</td></tr><tr><td>Minimum Side Yard Setback when abutting a residential district</td><td>50 feet</td></tr><tr><td>Minimum Rear Setback</td><td>15 feet</td></tr><tr><td>Minimum Rear Setback when abutting a residential district</td><td>50 feet</td></tr><tr><td>Maximum Building Height</td><td>2.5 stories or 35 feet</td></tr></table>	Minimum Lot Area	10,000 square feet	Minimum Frontage	50 feet	Minimum Front Yard Setback	20 feet	Minimum Side Yard Setbacks	Combined- 10 feet	Minimum Side Yard Setback when abutting a residential district	50 feet	Minimum Rear Setback	15 feet	Minimum Rear Setback when abutting a residential district	50 feet	Maximum Building Height	2.5 stories or 35 feet	<p><b>5.3.2</b></p>	<p><b>Residential Districts</b> (dimensional and density requirements)</p> <p><i>[pp.33,34]</i></p>
Minimum Lot Area	10,000 square feet																		
Minimum Frontage	50 feet																		
Minimum Front Yard Setback	20 feet																		
Minimum Side Yard Setbacks	Combined- 10 feet																		
Minimum Side Yard Setback when abutting a residential district	50 feet																		
Minimum Rear Setback	15 feet																		
Minimum Rear Setback when abutting a residential district	50 feet																		
Maximum Building Height	2.5 stories or 35 feet																		
	<p><b>8629. Special Provisions.</b> The following special provisions apply to all development within the VROD:</p> <p>1. The minimum separation between two or more buildings on the same lot shall be 20 feet.</p> <p>2. The Planning Board may modify all dimensional requirements outlined in Section 8628, except Maximum Building Height of 2.5 stories or 35 feet, and Section 8629.1. if, in its opinion, such modifications will result in improved design that</p>																		

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	<p>is in keeping with Section 8621 above.</p> <p>3. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.</p> <p>4. The Zoning Board of Appeals shall not grant a variance of any use not allowed under Section 8625, nor grant a variance from any Section 8628 Dimensional Requirements or Section 8629 Special Provisions.</p> <p><b>[p. 111]</b></p>		
	<p><b>8630. Parking Requirements.</b> The parking requirement for any use in the VMOD shall be the same as required in Appendix C: Table of Parking Requirements. The Planning Board may reduce the required number of parking spaces in the VROD based on the following considerations:</p> <p>a. The availability of shared parking on another property. The Board may require a shared parking agreement to be submitted as part of the application for development.</p> <p>b. The availability of public transportation.</p> <p><b>[pp. 111-112]</b></p>	<b>6.1</b>	<p><b>Off-Street Parking and Loading Area Requirements</b></p> <p><b>[pp.51-60]</b></p>

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	<b>8631. Criteria for Granting VROD Special Permit.</b> In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this VROD bylaw and shall take into consideration the same criteria as set forth in the Town Center Overlay District Section 8611. <i>[p. 112]</i>		
	<b>8632. Special Permit Conditions</b> The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to same conditions as set forth in the Town Center Overlay District Section 8612. <i>[p. 112]</i>		
<b>8640</b>	<b>VILLAGE MIXED–USE OVERLAY DISTRICT</b>		
	<b>8641. Purpose:</b> The purposes of the Village Mixed-Use Overlay District (VMOD) shall be the same purposes as described in the 8601, Town Center Overlay District, in its entirety. <i>[p. 112]</i>	<b>5.2.2.B</b>	Mixed-Use Business (MUB). The MUB is a mixed-use business district located intermittently along Route 38 outside the Town Center. It functions as a commercial gateway and neighborhood business zone, so the intended physical form and use mix in this district are intentionally set to support and enhance, not duplicate, the historic Town Center. <i>[p.31]</i>
	<b>8642. Boundaries:</b> The boundaries of the VMOD shall be as shown on the Town of Tewksbury Town Center Overlay Map, on file at the office of the Town Clerk. <i>[p. 112]</i>	<b>4.2</b>	<b>Zoning Map</b> <i>[p.29]</i>

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	<b>8643. Relationship to Existing Zoning:</b> The relationship to existing zoning shall be the same as described in the Town Center Overlay District, in its entirety <i>[p. 112]</i>		<b><i>(Not applicable as the Village Residential District is an underlying district. )</i></b>
	<b>8644. Use Regulations and Definitions:</b> The following uses are allowed in the VMOD subject to the requirements outlined in these VMOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained: <ol style="list-style-type: none"> <li>1. Residential Uses (as a component of a mixed-use development):             <ol style="list-style-type: none"> <li>a. Multifamily</li> <li>b. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area.</li> <li>c. Assisted living facilities</li> </ol> </li> <li>2. Government, Institutional and Public Service Uses:             <ol style="list-style-type: none"> <li>a. Municipal</li> <li>b. Educational</li> <li>c. Religious</li> <li>d. Public or Private Utility Facilities</li> <li>e. Post Office</li> <li>f. Recreation</li> </ol> </li> <li>3. Business Uses             <ol style="list-style-type: none"> <li>a. Retail Store, not exceeding 7,500 sq. ft. of gross floor area per individual establishment.</li> <li>b. Professional Offices, not exceeding 10,000 sq. ft. of gross floor area per individual office</li> </ol> </li> </ol>	<b>5.4.3</b>	<b>Table of Uses (Appendix A)</b> <i>[p.38]</i>

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	<p>establishment</p> <p>c. Financial Services/Bank</p> <p>d. Restaurant, fast food, general or limited service, not exceeding 4,000 sq. ft. of gross floor area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant</p> <p>e. Hotel, Inn</p> <p>f. Bed and Breakfast</p> <p>g. Lodge or Club (Membership)</p> <p>h. Personal Services</p> <p>i. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate sculptures, statues, furniture, structures and other art forms.</p> <p>j. Commercial Recreation, Indoor</p> <p>k. Parking Facility: A public or private parking area or structure that is open to shelter or storage of motor vehicles by residents, customers and employees for permitted uses in the VMOD.</p> <p>l. Day Care Facility</p> <p>m. Performance Theater: A building or structure designed for theatrical and other staged entertainment services.</p> <p>n. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.</p> <p>o. Art Gallery: A room or series of rooms where works of art are exhibited.</p> <p>4. Mixed use development: A single building with the ground floor used primarily for retail, commercial, service or office and the upper</p>		
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	<p>floor(s) used for residential use or a building or buildings, used for retail, commercial, service or office, with residential housing in a separate building or buildings.</p> <p><b>[pp. 112-113]</b></p>		
	<p><b>8645. Prohibited Uses.</b> Any use not listed above is prohibited. Adult use establishments are not allowed for any use in the VMOD district.</p> <p><b>[p. 113]</b></p>	<b>5.4.2</b>	<p><b>Prohibited Uses</b></p> <p><b>[p.37]</b></p>
	<p><b>8646. Site Plan Special Permit.</b> All uses and structures in the VMOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria of <u>Village Mixed-Use Design Guidelines</u>. The Planning Board shall be the Special Permit Granting Authority.</p> <p><b>[p. 113]</b></p>	<b>5.4.3</b>	<p><b>Table of Uses (Appendix A)</b></p> <p><b>[p.38]</b></p>
	<p><b>8647. Concept Plan.</b> Prior to the application for approval of any special permit for a CNOD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of TCOD Section 8607 a. through e.</p>		
	<p>To attain the goals of the VMOD, collaborative development proposals involving more than one property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the</p>		

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	<p>specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of VMOD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.</p> <p><i>[pp. 113, 114]</i></p>																		
	<p><b>8648. Dimensional Requirements.</b></p> <p>Buildings within the VMOD shall conform to the following requirements:</p> <table><tr><td>Minimum Lot Area</td><td>10,000 square feet</td></tr><tr><td>Minimum Frontage</td><td>50 feet</td></tr><tr><td>Minimum Front Yard Setback</td><td>20 feet</td></tr><tr><td>Minimum Side Yard Setbacks</td><td>Combined- 10 feet</td></tr><tr><td>Minimum Side Yard Setback when abutting a residential district</td><td>50 feet</td></tr><tr><td>Minimum Rear Setback</td><td>15 feet</td></tr><tr><td>Minimum Rear Setback when abutting a residential district</td><td>50 feet</td></tr><tr><td>Maximum Building Height</td><td>2.5 stories or 35 feet</td></tr></table>	Minimum Lot Area	10,000 square feet	Minimum Frontage	50 feet	Minimum Front Yard Setback	20 feet	Minimum Side Yard Setbacks	Combined- 10 feet	Minimum Side Yard Setback when abutting a residential district	50 feet	Minimum Rear Setback	15 feet	Minimum Rear Setback when abutting a residential district	50 feet	Maximum Building Height	2.5 stories or 35 feet	<p><b>5.3.3</b></p>	<p><b>A. Business Districts</b> (dimensional and density requirements)</p> <p><i>[pp.34, 35]</i></p>
Minimum Lot Area	10,000 square feet																		
Minimum Frontage	50 feet																		
Minimum Front Yard Setback	20 feet																		
Minimum Side Yard Setbacks	Combined- 10 feet																		
Minimum Side Yard Setback when abutting a residential district	50 feet																		
Minimum Rear Setback	15 feet																		
Minimum Rear Setback when abutting a residential district	50 feet																		
Maximum Building Height	2.5 stories or 35 feet																		
	<p><b>8649. Special Provisions.</b> The following special provisions apply to all development within the VMOD:</p> <p>1. The minimum separation between two or more buildings on the same lot shall be 20 feet.</p>																		

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	<p>2. The Planning Board may modify all dimensional requirements outlined in Section 8648, and Section 8649.1. if, in its opinion, such modifications will result in improved design that is in keeping with Section 8641 above.</p> <p>3. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.</p> <p>4. The Zoning Board of Appeals shall not grant a variance of any use not allowed under Section 8645, nor grant a variance from any Section 8648 Dimensional Requirements or Section 8649 Special Provisions.</p> <p><i>[p. 114]</i></p>		
	<p><b>8650. Parking Requirements.</b> The parking requirement for any use in the VMOD shall be the same as required in Appendix C: Table of Parking Requirements. The Planning Board may reduce the required number of parking spaces in the VMOD based on the following considerations:</p> <p>a. The availability of shared parking on another property. The Board may require a shared parking agreement to be submitted as part of the</p>	6.1	<p><b>Off-Street Parking and Loading Area Requirements</b> <i>[pp.51-60]</i></p>



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	<p>application for development.</p> <p>b. The availability of public transportation. <i>[pp. 114-115]</i></p>		
	<p><b>8651. Criteria for Granting VMOD Special Permit.</b> In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this VMOD bylaw and shall take into consideration the same criteria as set forth in the Town Center Overlay District Section 8611. <i>[p. 115]</i></p>		
	<p><b>8652. Special Permit Conditions -</b> The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to same conditions as set forth in the Town Center Overlay District Section 8612. <i>[p. 115]</i></p>		
<b>8660</b>	<b>SOUTH VILLAGE OVERLAY DISTRICT</b>		
	<p><b>8661. Purpose:</b> The purposes of the South Village Overlay District (SVOD) shall be the same purposes as described in the 8601, Town Center Overlay District, in its entirety. <i>[p. 115]</i></p>	<b>5.2.2.C</b>	South Village Business (SB). The South Village Business District includes a node of neighborhood commercial activity around the Shawsheen Street/Route 38 and South Street/Route 38 intersections. It is intended to support small-scale, attractive, neighborhood-focused development and business uses that do not require high traffic volume

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			locations. <b>[p.31]</b>
	<b>8662. Boundaries:</b> The boundaries of the SVOD shall be as shown on the Town of Tewksbury Overlay Map, on file at the office of the Town Clerk. <b>[p. 115]</b>	<b>4.2</b>	<b>Zoning Map</b> <b>[p.29]</b>
	<b>8663. Relationship to existing Zoning:</b> The relationship to existing zoning shall be the same as described in the Town Center Overlay District, in its entirety. <b>[p. 115]</b>		<i>(Not applicable as the Village Residential District is an underlying district.)</i>
	<b>8664. Use Regulations and Definitions:</b> The following uses are allowed in the SVOD subject to the requirements outlined in these SVOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:  1. Residential Uses (as a component of a mixed-use development): a. Multifamily b. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area. c. Assisted living facilities  2. Government, Institutional and Public Service Uses: a. Municipal b. Educational c. Religious d. Public or Private Utility Facilities	<b>5.4.3</b>	<b>Table of Uses (Appendix A)</b> <b>[p.38]</b>

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	<ul style="list-style-type: none"> <li>e. Post Office</li> <li>f. Recreation</li>   <li>3. Business Uses <ul style="list-style-type: none"> <li>a. Retail Store</li> <li>b. Professional Offices</li> <li>c. Financial Services/Bank</li> <li>d. Restaurant</li> <li>e. Hotel, Inn</li> <li>f. Bed and Breakfast</li> <li>g. Lodge or Club (Membership)</li> <li>h. Personal Services</li> <li>i. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate sculptures, statues, furniture, structures and other art forms.</li> <li>j. Day Care Facility</li> <li>k. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.</li> <li>l. Art Gallery: A room or series of rooms where works of art are exhibited.</li> </ul> </li>   <li>4. Mixed use development: A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use or a building or buildings, used for retail, commercial, service or office, with residential housing in a separate building or buildings.</li>   <li>Affordable Housing Requirement.</li> </ul>		
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	An application for an SVOD Special Permit as a Mixed Use development may require that certain dwelling units, as determined by the Planning Board at the Concept Plan meeting, be established as Affordable Housing Units (7013.a) in perpetuity. Timing of establishment of affordable units to be determined by the Planning Board. <i>[pp.115-116]</i>		
	<b>8665. Prohibited Uses.</b> Any use not listed above is to be considered prohibited. Adult use establishments are not allowed for any use in the SVOD district. <i>[p. 116]</i>	<b>5.4.2</b>	<b>Prohibited Uses</b> <i>[p.37]</i>
	<b>8666. Site Plan Special Permit.</b> All uses and structures in the SVOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria as described in the <u>Village Residential Design Guidelines</u> . The Planning Board shall be the Special Permit Granting Authority. <i>[p. 116]</i>	<b>5.4.3</b>	<b>Table of Uses (Appendix A)</b> <i>[p.38]</i>
	<b>8667. Concept Plan.</b> Prior to the application for approval of any special permit for a SVOD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of TCOD 8607 a. through e.  To attain the goals of the SVOD, collaborative development proposals involving more than one		

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	<p>property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of SVOD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.</p> <p><i>[pp. 116, 117]</i></p>																		
	<p><b>8668. Dimensional Requirements.</b></p> <p>Buildings within the SVOD shall conform to the following requirements:</p> <table><tr><td>Minimum Lot Area</td><td>10,000 square feet</td></tr><tr><td>Minimum Frontage</td><td>50 feet</td></tr><tr><td>Minimum Front Yard Setback</td><td>20 feet</td></tr><tr><td>Minimum Side Yard Setbacks</td><td>Combined- 10 feet</td></tr><tr><td>Minimum Side Yard Setback when abutting a residential district</td><td>50 feet</td></tr><tr><td>Minimum Rear Setback</td><td>15 feet</td></tr><tr><td>Minimum Rear Setback when abutting a residential district</td><td>50 feet</td></tr><tr><td>Maximum Building Height</td><td>2.5 stories or 35 feet</td></tr></table>	Minimum Lot Area	10,000 square feet	Minimum Frontage	50 feet	Minimum Front Yard Setback	20 feet	Minimum Side Yard Setbacks	Combined- 10 feet	Minimum Side Yard Setback when abutting a residential district	50 feet	Minimum Rear Setback	15 feet	Minimum Rear Setback when abutting a residential district	50 feet	Maximum Building Height	2.5 stories or 35 feet	<b>5.3.3</b>	<p><b>A. Business Districts</b> (dimensional and density requirements)</p> <p><i>[pp.34, 36]</i></p>
Minimum Lot Area	10,000 square feet																		
Minimum Frontage	50 feet																		
Minimum Front Yard Setback	20 feet																		
Minimum Side Yard Setbacks	Combined- 10 feet																		
Minimum Side Yard Setback when abutting a residential district	50 feet																		
Minimum Rear Setback	15 feet																		
Minimum Rear Setback when abutting a residential district	50 feet																		
Maximum Building Height	2.5 stories or 35 feet																		
	<p><b>8669. Special Provisions.</b> The following special provisions apply to all development within the SVOD:</p>																		

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	<ol style="list-style-type: none"> <li>1. The minimum separation between two or more buildings on the same lot shall be 20 feet.</li> <li>2. The Planning Board may modify all dimensional requirements outlined in Section 8668, and 8669.1. if, in its opinion, such modifications will result in improved design that is in keeping with Section 8661 above.</li> <li>3. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.</li> <li>4. The Zoning Board of Appeals shall not grant a variance of any use not allowed under Section 8665, nor grant a variance from any 8668 Dimensional Requirements or 8669 Special Provisions.</li> </ol> <p><b>[p. 117]</b></p>		
	<p><b>8670. Parking Requirements.</b> The parking requirement for any use in the SVOD shall be the same as required in Appendix C: Table of Parking Requirements. The Planning Board may reduce the required number of parking spaces in the SVOD based on the following considerations:</p> <ol style="list-style-type: none"> <li>a. The availability of shared parking on another</li> </ol>	<p><b>6.1</b></p>	<p><b>Off-Street Parking and Loading Area Requirements</b> <b>[p.51-60]</b></p>

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	<p>property. The Board may require a shared parking agreement to be submitted as part of the application for development.</p> <p>b. The availability of public transportation. [pp. 117, 118]</p>		
	<p><b>8671. Criteria for Granting SVOD Special Permit.</b> In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this SVOD bylaw and shall take into consideration the same criteria as set forth in the Town Center Overlay District 8611. [p. 118]</p>		
	<p><b>8672. Special Permit Conditions -</b> The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to same conditions as set forth in the Town Center Overlay District 8612. [p. 118]</p>		
<b>8680</b>	<b>COMMUNITY VILLAGE OVERLAY DISTRICT</b> [pp. 118-122]		<b>COMMUNITY VILLAGE OVERLAY DISTRICT IS PART OF MF AND MUB DISTRICTS</b>
	<b>SECTION 9000. ADMINISTRATION AND PROCEDURES</b>		
<b>9100</b>	<p><b>GENERAL.</b></p> <p><b>9110. Permits.</b> This By-Law shall be administered by the Building Commissioner. Pursuant to the State Building Code, the Building Commissioner may</p>	<b>3.1</b>	<p><b>BUILDING COMMISSIONER</b></p> <p>A. The Building Commissioner shall interpret and enforce this Bylaw.</p> <p>B. The Building Commissioner may require any plans</p>

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	<p>require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use unless in compliance with this Zoning By-Law, and all necessary permits have been received under federal, state, or local law.</p> <p><b>[p. 123]</b></p>		<p>and specifications as necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials.</p> <p>C. Buildings, structures, or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use unless in compliance with this Bylaw, and all necessary permits have been received under federal, state, or local law.</p> <p>D. No premises, and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy or certificate of zoning compliance issued by the Building Commissioner. No certificate of occupancy or certificate of zoning compliance shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.</p> <p><b>[p.19]</b></p>
	<p><b>9120. Enforcement.</b> The Building Commissioner or his/her designee shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits, special permits, variances, and site plan approval issued thereunder, including notification of noncompliance and request for legal action through the Board of Selectmen to Town Counsel.</p> <p><b>[p. 123]</b></p>	<b>3.2.A</b>	<p><b>ENFORCEMENT; PENALTY</b></p> <p>The Building Commissioner or his or her designee shall institute and take any and all action as may be necessary to enforce full compliance with any and all of the provisions of this Bylaw and of permits, special permits, variances, and site plan approval issued thereunder, including notification of noncompliance and request for legal action through the Board of Selectmen to Town Counsel.</p> <p><b>[p.19]</b></p>
	<p><b>9130. Penalties.</b> The penalty for violation of any provision of this By-Law, of any of the conditions</p>	<b>3.2.B</b>	<p>The penalty for violation of any provision of this Bylaw, or of any conditions under which a permit, special permit, or</p>



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	under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.  <b>[p. 123]</b>		site plan approval decision has been issued, shall be \$300 for each offense. Each day that each violation continues shall constitute a separate offense.  <b>[p.19]</b>
	<b>9140. Non-criminal Disposition.</b> In addition to the remedies set forth otherwise, the provisions of this By-Law may also be enforced by non-criminal disposition, as provided in M.G.L. c. 40, s. 21D. The penalty for such violation shall be \$50.00 for the second offense, \$100.00 for the third offense, and \$200.00 for the fourth and each subsequent offense.  <b>[p. 123]</b>	<b>3.2.C</b>	The provisions of this Bylaw may also be enforced by non-criminal disposition, as provided in G.L. c. 40, § 21D. The penalty for each violation shall be \$50 for the second offense, \$100 for the third offense, and \$200 for the fourth and each subsequent offense.  <b>[p.19]</b>
		<b>3.3</b>	<b>APPEAL</b> An appeal to the Board of Appeals may be taken by any person aggrieved by reason of inability to obtain a permit or enforcement action from the Building Commissioner, as provided in G.L. c. 40A, § 8, as amended.  <b>[p.20]</b>
<b>9200</b>	<b>BOARD OF APPEALS.</b>	<b>3.4</b>	<b>ZONING BOARD OF APPEALS</b>
	<b>9210. Establishment.</b> There shall be a Board of Appeals of three members appointed by the Board of Selectmen. The Selectmen may also appoint two associate members of the Board of Appeals.  <b>[p. 123]</b>	<b>3.4.1.</b>	<b>Establishment.</b> There shall be a Zoning Board of Appeals (“ZBA”) consisting of three members and two associate members appointed by the Board of Selectmen. The appointment, service, and removal or replacement of members and associate members and other actions of the ZBA shall be as provided for in G.L. c. 40A.  <b>[p.20]</b>
	<b>9220. Powers.</b> The Board of Appeals shall have and	<b>3.4.2.</b>	<b>Powers</b>

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	<p>exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the Massachusetts General Laws and by this By-Law. The Board's powers are as follows:</p> <p><b>9221.</b> To hear and decide applications for special permits as designated in these By-Laws.</p> <p><b>9222.</b> To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in M.G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances in any district.</p> <p><b>9223.</b> To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. c. 40A, ss. 7, 8 and 15.</p> <p><b>9224.</b> To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L. c. 40B, ss. 20-23.</p> <p><b>[pp. 123-124]</b></p>		<p>The ZBA shall have the following powers:</p> <p>A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.</p> <p>B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.</p> <p>C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, requests to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 8.1.</p> <p>D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.</p> <p>E. To hear and decide applications for comprehensive permits for construction of low- or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.</p> <p><b>[p.20]</b></p>
	<p><b>9230. Regulations.</b> The Board of Appeals may adopt rules and regulations from Massachusetts General Law, Chapter 40A, section 12, which are not inconsistent with the provisions of the zoning ordinance or by-law, for the conduct of its business and shall file a copy of said rules with the town clerk.</p> <p><b>[p. 124]</b></p>	<b>3.4.3.</b>	<p><b>Rules and Regulations</b></p> <p>The ZBA shall adopt rules and regulations for the administration of its powers and shall file a copy of its regulations with the Town Clerk. The Board's regulations shall include rules and procedures for hiring outside consultants in accordance with G.L. c. 44, § 53G.</p> <p><b>[p.20]</b></p>
	<p><b>9240. Fees.</b> The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative</p>	<b>3.4.4.</b>	<p><b>Fees</b></p> <p>The ZBA may adopt reasonable application fees and fees for employing outside consultants to assist the Board with</p>

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	appeals, and applications for comprehensive permits. <b>[p. 124]</b>		is review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations. <b>[p.20]</b>
<b>9300</b>	<b>SPECIAL PERMITS.</b>	<b>3.5</b>	<b>SPECIAL PERMITS</b>
	<b>9310. Special Permit Granting Authority.</b> The special permit granting authority shall be specifically designated by this By-Law as one of the following: the Planning Board, Board of Zoning Appeals, Board of Selectmen, or other board as designated. <b>[p. 124]</b>		<b>3.5.1. Special Permit Granting Authority</b> In this Bylaw, the Planning Board, Zoning Board of Appeals, and Board of Selectmen shall have the power to grant special permits. Unless specifically stated otherwise, the special permit granting authority shall be the Planning Board. <b>[p.20]</b>
	<b>9320. Criteria.</b> Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:  <b>9321.</b> Social, economic or community needs which are served by the proposal;  <b>9322.</b> Traffic flow and safety, including parking and loading;  <b>9323.</b> Adequacy of utilities and other public services;  <b>9324.</b> Neighborhood character and social structures;	<b>3.5.3.</b>	<b>Criteria</b> Special permits shall be granted by the special permit granting authority only upon its written determination that the benefit to the Town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following: A. Social, economic or community needs which are served by the proposal; B. Traffic flow and safety, including parking and loading; C. Adequacy of utilities and other public services; D. Neighborhood character and social structures; E. Consistency with the purposes of the district as described in Section 5 of this Bylaw; F. Impacts on the natural environment; and, G. Potential fiscal impact, including impact on Town services, tax base, and employment.

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	<p><b>9325.</b> Impacts on the natural environment; and</p> <p><b>9326.</b> Potential fiscal impact, including impact on town services, tax base, and employment.</p> <p><i>[p. 124]</i></p>		<i>[p.21]</i>
	<p><b>9330. Procedures.</b> Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.</p> <p><i>[p. 124]</i></p>	<b>3.5.2.</b>	<p><b>Procedures</b></p> <p>A. Application for a special permit and accompanying plans and documentation shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.</p> <p>B. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue a decision no later than 90 days from the date of close of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.</p> <p><i>[pp.20, 21]</i></p>
	<p><b>9340. Development Impact Statement (DIS).</b> At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required at the expense of the applicant. The special permit granting authority may deny a special permit where the DIS discloses that the proposed use does not comply with the provisions of this by-law. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor, and may include all or some of the following information:</p> <p><i>[p. 124]</i></p>		
	<p><b>9341. Physical Environment.</b></p> <p><b>a.</b> Describe the general physical conditions of</p>		

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	<p>the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.</p> <p><b>b.</b> Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.</p> <p><b>9342. Surface Water and Subsurface Conditions.</b></p> <p><b>a.</b> Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.</p> <p><b>b.</b> Describe any proposed alterations of shore lines or wetlands.</p> <p><b>c.</b> Describe any limitations imposed on the project by the site's soil and water conditions.</p> <p><b>d.</b> Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.</p> <p><b>9343. Circulation Systems.</b></p> <p><b>a.</b> Project the number of motor vehicles to enter or depart the site per average day and peak hour. Also state the number of motor</p>		
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	<p>vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.</p> <p><b>9344. Support Systems.</b></p> <p><b>a. Water Distribution:</b> Discuss the water system proposed for the site, means of providing water for fire-fighting, and any problems unique to the site.</p> <p><b>b. Sewage Disposal:</b> Discuss the sewer system to be used, and evaluate impact of sewage disposal on the wastewater treatment facility.</p> <p><b>c. Refuse Disposal:</b> Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.</p> <p><b>d. Fire Protection:</b> Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing fire fighting equipment to confront potential fires on the proposed</p>		
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	<p>site.</p> <p>e. Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.</p> <p>f. Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.</p> <p><b>9345. Phasing.</b> Where development of the site will be phased over more than one (1) year, indicate the following:</p> <p>a. Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.</p> <p>b. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.</p> <p><b>[pp.124-126]</b></p>		
	<p><b>9350. Conditions.</b> Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority</p>	<p><b>3.5.4.</b></p>	<p><b>Special Permit Conditions</b></p> <p>Special permits may be granted with reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit</p>

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	may deem necessary to serve the purposes of this By-Law. <i>[p. 126]</i>		granting authority may deem necessary to serve the purposes of this Bylaw. <i>[p.21]</i>
	<b>9360. Plans.</b> An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5400, herein. <i>[p. 126]</i>		
	<b>9370. Lapse.</b> Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk. <i>[p. 126]</i>	<b>3.5.5.</b>	<b>Recording; Lapse</b> A. Special permits shall not take effect until recorded with the Middlesex North Registry of Deeds or Registry District of the Land Court, as applicable, as provided in G.L. c. 40A, § 11. Proof of recording shall be presented to the Building Commissioner. B. Special permits shall lapse within three years, which shall not include time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. <i>[p.21]</i>
	<b>9380. Regulations.</b> The special permit granting authority may adopt rules and regulations for the administration of this section. <i>[p. 126]</i>		
	<b>9390. Fees.</b> The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits. <i>[p. 126]</i>		
<b>9400</b>	<b>SITE PLAN SPECIAL PERMIT</b> The Planning Board may grant a Site Plan Special	<b>3.6</b> <b>3.6.1.</b>	<b>SITE PLAN REVIEW</b> <b>Purposes</b>



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	<p>Permit in accordance with the standards of this By-Law.  <b>[p. 126]</b></p>		<p>A. Site Plan Review by the Planning Board is intended to protect the public interest by evaluating site plans for uses and structures that are permitted in the applicable zoning district, which may have some impacts within the site and on adjacent properties and streets; on pedestrian, cyclist and vehicular traffic; public services and infrastructure; abutting properties; and similar aspects of the site and adjoining properties.</p> <p>It is intended to ensure:</p> <ol style="list-style-type: none"> <li>1. compliance with all applicable requirements of this Bylaw;</li> <li>2. that development proposals are examined in a comprehensive manner while also providing an efficient review process;</li> <li>3. that the design and construction of development will have limited or no impacts on the surrounding areas;</li> <li>4. that development is in harmony with the neighboring area;</li> <li>5. the prevention or minimization of conflicts among uses;</li> <li>6. the use of best practices in site planning, architectural integrity, and urban design;</li> <li>7. consistency in application of development review regulations and guidelines; and,</li> <li>8. appropriate enforcement of the provisions of this Bylaw.</li> </ol> <p><b>[pp.21, 22]</b></p>
	<p><b>9410. Applicability.</b> No business, industrial or institutional building shall hereafter be erected or externally enlarged, and no business, industrial or institutional use shall hereafter be expanded in ground area except in conformity with a special permit from the Planning Board approving a site plan</p>	<p><b>3.6.2.</b></p>	<p><b>Applicability</b>  Site Plan Review shall be used to evaluate uses identified as permitted uses in the Table of Use Regulations under Section 5, Use Regulations. No building permit for construction, exterior alteration, relocation, or change in use except where noted, shall be granted for any</p>

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		<p>Where proposed construction, use change, or site alteration requires both a Site Plan Review and a special permit issued by the Planning Board, the applicant shall submit both applications simultaneously and the Planning Board shall conduct its review of the applications contemporaneously.</p> <p><b>[p.22]</b></p> <p>B. Waivers. If requested by the applicant, the Planning Board may waive one or more of the submission requirements or the review criteria for Site Plan Review. Any waiver shall be based on just cause and a finding by the Planning Board that the waiver or waivers will not be detrimental to the purpose of this section.</p> <p><b>[p.23]</b></p> <p>E. Consultant Fees. The Planning Board may require an applicant to pay a consultant fee upon a finding that additional information is necessary prior to making a decision and that information requires the expertise of an outside consultant. Any applicant aggrieved by the board's selection of an outside consultant may appeal such decision to the Board of Selectmen. The appeal shall be limited to: a) a claim that the consultant has a conflict of interest, or b) the consultant either does not possess an educational degree in or related to the field at issue or does not have three or more years of practice in or related to the field. Any unused portion of the fee shall be returned to the applicant.</p> <p>F. Bond. For the purposes of securing performance of all proposed work, the Planning Board may require the submission of any of the following: a) a performance bond; b) deposit of money; c) bank passbook; or, d) letter of credit; in an amount determined by the Planning Board to</p>
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			<p>be sufficient to cover the cost of all or a portion of the required improvements.</p> <p>G. Appeal. Any person aggrieved by a decision of the Planning Board on a Site Plan Review application may appeal the decision within 20 days of the date the decision was filed with the Town Clerk, in accordance with G.L. c. 40A, § 17.</p> <p><b>[p.25]</b></p> <p><b>3.6.5. Minor Site Plan Review</b></p> <p>A. Administrative Review. The designee of the Town Manager shall review and act on a Minor Site Plan review application. The Town Manager's designee may include reasonable conditions as part of any approval.</p> <p>B. Minor Site Plan Review Submittal Procedures. The Applicant shall submit to the Community Development Department, one electronic copy and six sets of plans showing the following:</p> <ol style="list-style-type: none"> <li>1. A written narrative explaining the proposed changes;</li> <li>2. Photographs of the existing site or area to be altered; and,</li> <li>3. A rendering, site plan, plot plan or sketch</li> </ol> <p>C. Review &amp; Referral to Planning Board. The Town Manager's designee shall submit copies of the application and plans to the appropriate town departments for their review and comments. They shall have 25 days to respond with comments. The Town Manager's designee may choose to refer any minor site plan review application to the Planning Board, within 30 days of the submission of the application, for Planning Board review and decision. In the event that the Town Manager's designee refers a minor site plan review application to the Planning Board, the</p>
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			<p>Planning Board shall hold a public hearing with notice and issue a written decision to approve, approve with conditions, or deny the site plan within thirty (30) days of receipt of the referral. Alternatively, the applicant may request a minor site plan review to proceed directly to the Planning Board in accordance with the requirements of Section 3.6.4.</p> <p>D. Decision. The decision of the Town Manager's designee to approve, approve with conditions, or refer the plan to the Planning Board shall be in writing, and shall be made within 30 days of receipt of a complete application for minor site plan review. A copy of the decision shall be filed with the Town Clerk with a copy provided to the applicant.</p> <p>E. Building Permit. The Minor Site Plan Review application shall not be considered complete, and a building or occupancy permit shall not be issued, until a written approval is issued by the Town Manager's designee. Failure by the Town Manager's designee to take final action or refer the application to the Planning Board within 45 days of receipt shall be deemed to be constructive approval of the Minor Site Plan, in which case the Building Commissioner may issue a building permit for the proposed use.</p> <p>F. The Minor Site Plan Review decision need not be filed with the Registry of Deeds.</p> <p>G. Appeal. Any person aggrieved by a decision of the Town Manager's designee on a minor site plan review application may appeal such decision to the Planning Board within 20 days of the date the decision was filed with the Town Clerk.</p> <p><b>3.6.6.</b></p> <p><b>Site Plan Modifications</b></p>
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			<p>A. Requests for modifications to an approved site plan shall be processed in accordance with the same procedures as an original Site Plan Review application:</p> <ol style="list-style-type: none"> <li>1. any relocation or shifting of structures or parking areas;</li> <li>2. any increase in the gross floor area of structures greater than 1000 square feet;</li> <li>3. any increase in parking areas by 10 or more spaces;</li> <li>4. any changes that require additional water or sewage use or the relocation of utilities;</li> <li>5. any increase of impervious area by more than 250 square feet; or</li> <li>6. any substantial changes to the architecture of the structures, including changes in building materials, design, and colors.</li> </ol> <p><b>[pp.25-26]</b></p>
	<p><b>9415.</b> The Planning Board in considering a project under a Site Plan Special Permit may allow for waivers of Section 5100, Parking and Loading Requirements, Section 5400 Landscaping, Screening, and Buffer Requirements. Waivers will also be considered for Appendix C: Table of Parking Requirements. The waiver request must be specific in nature and the Planning Board must make specific findings to waive any of these requirements. Consideration will be given as to the necessity to meet the realistic requirements of the proposed development and satisfy the objectives of the Zoning Bylaw. The Planning Board will base its findings on the stated requirements of those sections of the bylaw listed above as well as standards that are established by other professional organizations, such</p>	<b>6.1.2</b>	<p>E. The Planning Board in considering a project under a Site Plan Review may allow for waivers of Section 6.1, Off-Street Parking and Loading Area Requirements, with the exception of Section 6.1.11.D. The waiver request must be specific in nature and the Planning Board must make specific findings to waive any of these requirements. Consideration will be given as to the necessity to meet the realistic requirements of the proposed development and satisfy the objectives of the Zoning Bylaw. The Planning Board will base its findings on the stated requirements of those sections of the bylaw listed above as well as standards that are established by other professional organizations, such as, but not limited to, parking standards published by the Institute of Transportation Engineers, standards of the American Society of Highway Engineers, standards of the American Society of Highway and Transportation Officials, Commonwealth of</p>

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	as, but not limited to, parking standards published by the Institute of Transportation Engineers, standards of the American Society of Highway and Transportation Officials, Commonwealth of Massachusetts agencies (DEP Stormwater Policy, for example) Urban Land Institute publications, and American Planners Association publications. <b>[p. 126]</b>		Massachusetts agencies (DEP Stormwater Policy, for example) Urban Land Institute publications, and American Planners Association publications. <b>[p. 52]</b>
	<p><b>9420. Rules and Regulations and Fees.</b> The Planning Board shall adopt and from time to time amend, Rules and Regulations not inconsistent with the provisions of this By-Law or Chapter 40A of the Massachusetts General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town boards or agencies from which the Planning Board shall request written reports and the procedure for submission and approval of a Site Plan Special Permit.</p> <p><b>9430. Application.</b> Any person who desires to obtain a Site Plan Special Permit shall submit a written application therefore to the Planning Board. Each such application shall be accompanied by the following:</p> <p><b>9431.</b> A written statement detailing the proposed USE, the extent of the BUILDING COVERAGE and OPEN SPACE, drainage calculations and calculations of the volume of earth to be removed, if any. Site Plan(s) prepared by a Registered Professional Engineer or Registered Land Surveyor, as appropriate to the data, showing all LOT lines and setbacks, zoning district</p>	<b>3.6.4.</b>	<p><b>Procedure and Decision</b></p> <p>A. Application. An application for Site Plan Review shall be submitted in accordance with the following and all applicable requirements in the Planning Board's Rules and Regulations.</p> <ol style="list-style-type: none"> <li>1. The application shall be submitted to the Town Clerk and the Community Development Department.</li> <li>2. Within 10 days of receipt of the application for Site Plan Review, the Community Development Department shall transmit copies of the application and accompanying plans to the appropriate Town boards, commissions, and departments. These boards, commissions, and departments shall have 25 days to review and report in</li> </ol>

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	<p>boundaries including Flood Plain; all wetlands and wetland buffer zones, all areas designated as OPEN SPACE; all existing and proposed topography at two (2) foot intervals, BUILDING STRUCTURES, signs, parking and loading spaces; the limits of all paving and open storage areas and all facilities for sewerage, waste disposal and drainage, along with profiles and elevations of the sewage and drainage system.</p> <p>The Site Plan shall include that portion of any adjacent land owned or used by the applicant on which the USE is similar to or connected with the USE for which the Site Plan Special Permit is sought. All Site Plan Special Permit applications submitted to the Planning Board for review shall be drafted on sheets not to exceed 2 feet by 3 feet and also scale to 1 inch equals 40 feet.</p> <p><b>[p. 127]</b></p>	<p>writing their recommendations to the Planning Board. The Planning Board shall not take final action on a Site Plan Review until it has received these reports or the 25-day period has elapsed.</p> <p>5. A majority vote of a quorum of the Planning Board shall be required for a decision on a site plan application. The Board's written decision shall consist of either:</p> <p>a. Approval of the site plan based on a determination that the proposed project meets all requirements of this Section 3.6.</p> <p>b. Denial of the site plan based on a determination that either: i) insufficient information was submitted with the application in order for the Board to adequately review the proposal, or, ii) a determination that the project does not meet the requirements of this Section 3.6 and no reasonable conditions can accomplish the goal of having the application meet those requirements.</p> <p>c. Approval of the site plan subject to conditions, modifications, and reasonable restrictions necessary to ensure compliance with the requirements of this Section 3.6 and to minimize or eliminate impacts on adjacent properties and streets.</p> <p>6. The Planning Board shall endorse appropriate copies of the approved site plan. One endorsed copy, along with the decision of the Planning Board, shall be transmitted to the Building Commissioner prior to the issuance of a building or occupancy permit.</p> <p>7. The Site Plan Review decision shall be recorded with the Registry of Deeds prior to issuance of a building permit.</p> <p>8. The applicant shall comply with all conditions imposed by the Planning Board on the approval prior to issuance of the occupancy permit, unless otherwise</p>
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			<p>provided for in the approval.</p> <p>9. If the public hearing is not convened or a decision is not rendered within the time allowed under this Section 3.6, unless the time has been extended by mutual agreement between the Planning Board and the applicant, the application shall be deemed to have been allowed and the a site plan approval decision shall be issued. The procedures that apply to constructive approval under G.L. c. 40A, § 9, shall apply to this Section 3.6.</p> <p><b>[pp.22-23]</b></p>
	<p><b>9432.</b> A Landscape Plan(s) shall be prepared by a Registered Landscape Architect in all cases where the plan(s) specifies a proposed facility of 10,000 square feet or more of gross floor area, or a facility requiring 40 or more parking spaces. In any case a Landscape Plan(s) shall show the limits of work, the existing tree line and all proposed landscape features and improvements including walks, planting areas with size and type of stock for each shrub or tree; walls, fences, outdoor lighting and existing and proposed contours of the land at two (2) foot intervals.</p> <p><b>[p. 127]</b></p>		
	<p><b>9433.</b> A BUILDING Elevation Plan and Rendering shall be prepared by a Registered Architect or Registered Professional Engineer in all cases when filing for a Site Plan Special Permit. The BUILDING Elevation Plan and Rendering shall show all the front elevation and height of any proposed structure as well as the floor plan(s) showing the layout of each floor with a tabular summary of the</p>		

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	<p>next floor area used to calculate the required parking and the proposed USES to be conducted on each floor.</p> <p><b>9434.</b> A Master Signage Plan will be submitted for the entire site showing all placement, color renderings and compliance with Section 5200 of the Zoning Bylaw for the proposed signage. The Master Signage Plan must be approved as part of the Site Plan Special Permit and no building permit will be issued for a sign unless it complies with the Master Signage Plan. In lieu of color renderings referenced above, an applicant may submit a computer generated visual simulation of the signs.</p> <p><b>[p. 127]</b></p>		
	<p><b>9435.</b> Such other information as the Board may reasonably require including special studies or reports, such as traffic or hydrological impact studies.</p> <p><b>[p. 128]</b></p>		
	<p><b>9440. Reports from Town Boards or Agencies.</b> The Planning Board shall transmit forthwith a copy of the application and plan(s) to other boards, departments, or committees as it may deem necessary or appropriate for their written reports. Any such board or agency to which petitions are referred shall make such recommendation or submit such reports as they deem appropriate and shall send a copy thereof to the Planning Board and to the applicant. Failure of any such board or agency to make a recommendation or submit a report within 35 days of receipt of the petition shall be deemed a lack of opposition.</p>		<p>2. Within 10 days of receipt of the application for Site Plan Review, the Community Development Department shall transmit copies of the application and accompanying plans to the appropriate Town boards, commissions, and departments. These boards, commissions, and departments shall have 25 days to review and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on a Site Plan Review until it has received these reports or the 25-day period has elapsed.</p> <p><b>[p. 23]</b></p>

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	<b>[p. 128]</b>		
	<p><b>9450. Public Hearings and Decision.</b> The Planning Board shall hold a public hearing no later than 65 days after the filing of a complete application. The Planning Board shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Planning Board shall issue a decision no later than 90 days following the close of the hearing. Failure by the Planning Board to take final action upon an application for a special permit said 90 days following the close of the public hearing shall be deemed to be a grant of the permit applied for.</p> <p><b>[p. 128]</b></p>	<b>3.6.4.A</b>	<p>3. The Planning Board shall schedule a public hearing for all Site Plan Review applications to be held within 45 days of the date of submittal. The public hearing shall be advertised in the local newspaper once in each of two successive weeks, posted in Town Hall, and notice of the hearing shall be sent to property owners within 300 feet of the subject property.</p> <p>4. Within 25 days of the close of the hearing, the Planning Board shall act on the Site Plan Review application and file its written decision with the Town Clerk no later than 10 days thereafter. The applicant may request and the Planning Board may agree to an extension of the time limits in this section, provided that the agreement is in writing and filed with the Town Clerk.</p> <p><b>[p. 23]</b></p>
	<p><b>9460. Site Design Standards for Site Plan Special Permit.</b> The purpose of the following site design standards is to ensure that further consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geological conditions, to public convenience and safety and to the suitability of a proposed USE on a site. Before the granting of any site Plan Special Permit, the Planning Board shall assure that each site plan submitted for its review shall comply in full with the following site design standards:</p> <p><b>9461. Stormwater Run-off -</b> No stormwater run-off in excess of rates existing prior to new construction shall be allowed and no stormwater run-off in excess of rates existing prior to new construction shall be discharged onto a public</p>		

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	<p>way or into a public drainage system unless there is, in the opinion of the Planning Board, sufficient capacity to handle the additional run-off.</p> <p><b>9462.</b> Outdoor Lighting – Refer to Section 5330.</p> <p><b>9463.</b> Common Driveway in the Business or Industrial Districts - A common driveway may serve two (2) or more LOTS used for business or industrial USE and located in the Business or Industrial Districts provided that the common driveway is no wider than 24 feet at any point where it crosses required OPEN SPACE or any parking setback area required under Section 5400. The Planning Board shall ensure that the common driveway shall not be located or designed to derogate from the intent of the By-Law to provide suitable OPEN SPACE on each site.</p> <p><b>[p. 128]</b></p>		
	<p><b>9470. Open Space Landscaping Standards.</b> Any landscaping on OPEN SPACE shall be designed to enhance the visual impact of the USE upon the LOT and adjacent property. Where appropriate, existing vegetation may be retained and used to satisfy the landscaping requirements. OPEN SPACE areas shall be kept free of encroachment by all BUILDINGS, STRUCTURES, storage areas or parking. OPEN SPACE landscaping shall be maintained as open planted areas and used to (1) ensure buffers between properties, (2) provide landscaped areas between BUILDINGS, (3) minimize the visual effect of the bulk and height of BUILDINGS, STRUCTURES, parking areas, lights or signs and (4) minimize the impact of the USE property on land and water resources.</p>		

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	<b>[p. 128]</b>		
	<b>(a)</b> In the Commercial and R40 District where a business or industrial USE abuts a residential district, a landscape buffer up to a maximum of 20 feet in depth designed to mitigate the impact of the business or industrial USE on abutting residential districts may be required by the Planning Board between the business or industrial USE and the residential district.		
	<b>(b)</b> In the Heavy Industry District where a business or industrial USE abuts a residential district, a landscape buffer of a minimum of 30 feet up to a maximum of 60 feet in depth designed to mitigate the impact of the business or industrial USE on abutting residential districts shall be required by the Planning Board between the business or industrial USE and the residential district.		
	<b>(c)</b> All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the LOT and upon adjacent property by the use of existing vegetation where appropriate and by the use of new trees, shrubs, walls, fences or other landscape elements. Any parking lot with more than 40 parking spaces shall include a landscaped area(s) shall not be less in area than five (5) percent of the total area of the parking lot and shall be in addition to any minimum OPEN SPACE required under Section 5400. Landscaped area(s) shall be provided with a minimum width of at least 10 feet, curbing and shade trees of at least 12 feet in height or such other landscaping as may be required by the Planning Board. <b>[p. 129]</b>		

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<p><b>9480. Reserved Parking Spaces.</b> Under a Site Plan Special Permit, the Planning Board may authorize a decrease in the number of parking spaces and shall have the authority to require an increase in the number of parking spaces required under Section 5130, in accordance with the following:</p> <p><b>9481.</b> The Planning Board may authorize a decrease in the number of parking spaces required under Section 5130 provided that:</p> <p>(a) The decrease in the number of parking spaces is no more than 30% of the total number of spaces required under Section 5130. The waived parking spaces shall be set aside and shall not be intended for immediate construction. Such spaces shall be labeled as "Reserve Parking" on the site plan.</p> <p>(b) Any such decrease in the number of required parking spaces shall be based upon documentation of a special nature of a USE or BUILDING.</p> <p>(c) The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within an area counted as buffer, parking setback or OPEN SPACE.</p> <p>(d) The decrease in the number of required spaces will not create undue congestion or traffic hazards and that such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this By-Law.</p>	<p><b>6.1.5. Parking Requirement Relief</b></p> <p>The Planning Board may by special permit authorize a decrease in the number of parking spaces required to be provided under this Section provided that:</p> <p>A. The decrease in the number of parking spaces is no more than 30 percent of the total number of spaces required. The number of parking spaces approved for a decrease shall be set aside and shall not be required to be immediately provided. These spaces shall be labeled as "Reserve Parking" on the site plan.</p> <p>B. Any decrease in the number of required parking spaces shall be based upon documentation of a special nature of a use or building.</p> <p>C. The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within an area counted as buffer, parking setback, or open space.</p> <p>D. The decrease in the number of required spaces will not create undue congestion or traffic hazards and that relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and</p>
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	<b>[p. 129]</b>		purpose of this Bylaw. <b>[p.55]</b>
	<p><b>9482.</b> If, at any time after the Certificate of Occupancy is issued for the BUILDING or USE, the Building Inspector determines that additional parking spaces are needed, the Inspector shall notify the Planning Board, in writing, of such finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed.</p> <p><b>[p. 129]</b></p>		<p>E. If, at any time after the Certificate of Occupancy is issued for the building or use, the Building Commissioner determines that additional parking spaces are needed, the Commissioner shall notify the Planning Board, in writing, of that finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed.</p> <p><b>[pp.55]</b></p>
	<p><b>9483.</b> The Planning Board may require provisions for an increase in the number of parking spaces required under Section 5130 provided that:</p> <p>(a) The increase in the number of parking spaces is no more than 20% of the total number of spaces required under Section 5130 for the USE in question.</p> <p>(b) Any such increase in the number of required parking spaces shall be based upon the special nature of a USE or BUILDING.</p> <p>(c) The increased number of parking spaces shall be labeled "Increased Reserve Parking" on the site plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in case located within area counted as buffer, parking setback or OPEN SPACE. The applicant shall not be required to construct any of the parking spaces labeled as</p>		

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	<p>“Increased Reserve Parking” for at least one year following the issuance of a Certificate of Occupancy. Where the “Increased Reserve Parking” area is required and the applicant has otherwise provided the number of parking spaces required under Section 5130, the area of land reserved for the increased number of parking spaces may be deducted from the minimum OPEN SPACE required under Section 5400.</p> <p><b>[pp. 129-130]</b></p>		
	<p><b>9484.</b> If after one (1) year after the issuance of a Certificate of Occupancy, the Building Inspector finds that all or any of the “Increased Reserve Spaces” are needed, the Inspector shall notify the Planning Board, in writing, of such finding and the Planning Board may require that all or any portion of the spaces identified as “Increased Reserve Spaces” on the site plan be constructed within a reasonable time period as specified by the Planning Board.</p> <p><b>[p. 130]</b></p>		
	<p><b>9490. Action by the Planning Board.</b> The Planning Board, in considering a site plan, shall ensure a USE of the site consistent with the USES permitted in the district in which the site is located and shall give due consideration to the reports received under Section 9440. Prior to the granting of any special permit, the Planning Board shall find that, to the degree reasonable, the site plan:</p> <p><b>a)</b> Protects adjoining premises by minimizing adverse effects on the natural environment;</p>	<b>3.6.4.C</b>	<p><b>Review Criteria.</b> All applications for Site Plan Review shall meet the following criteria unless specifically waived by the Planning Board, and those waivers shall be in writing.</p> <ol style="list-style-type: none"> <li>1. Adequacy of the capacity of adjacent streets to accommodate the traffic to be generated by the proposed use.</li> <li>2. Adequacy of the public infrastructure to serve the project and the area in the immediate vicinity of the site.</li> <li>3. Harmonious relationship of the proposed structures and open space to the existing buildings, natural landscapes, and other community assets in the adjacent</li> </ol>



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	<p><b>b)</b> Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;</p> <p><b>c)</b> Provides an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises;</p> <p><b>d)</b> Provides adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site;</p> <p><b>e)</b> Complies with all applicable requirements of this By-Law.</p> <p><b>[p. 130]</b></p>	<p>area, considering the proposed structure's architectural integrity, relationship to its context and to the street, and relationship to desirable structures elsewhere in Tewksbury.</p> <p>4. In the Town Center District, conformance with Section 6.3 of this Bylaw, and the degree to which the proposed site layout, building design, landscaping, amenities, and other components of the project address the Town Center Design Guidelines, which shall be maintained on file with the Town Clerk and Department of Community Development.</p> <p>5. The proposed use shall have adequate ingress and egress to the property, adequate travel lanes within the property, and shall maximize automotive, pedestrian and bicyclist safety and convenience, off-street parking and loading, traffic flow and control, and access for fire and safety equipment. The design of the site shall minimize hazardous turning movements.</p> <p>6. Convenience and safety for people with disabilities, including provision of appropriate parking spaces, handicapped ramps, and other facilities as required by federal and state law.</p> <p>7. Protection of adjacent and nearby properties from detrimental site impacts from drainage, flooding, undue and loud sounds, odors, dust, light pollution, and diminished air quality.</p> <p>8. Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaires, light shields, lowered height of light poles, screening or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any</p>
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		<p>street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.</p> <p>9. Adequacy of parking and loading spaces.</p> <p>10. Adequacy of the methods for disposal of waste and recycling, including adequate screening of these facilities.</p> <p>11. Provision of appropriate landscaping and other site amenities to enhance the visual quality of the property, to provide a landscaped green space parallel to the property frontage, and to provide screening as necessary of adjacent properties.</p> <p>12. Adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction.</p> <p>13. If there is more than one building proposed, buildings shall relate harmoniously to each other in architectural style, site location, and building exits and entrances.</p> <p>14. Minimizing impacts to tenants and adjacent properties through appropriate restrictions on the hours of operation, deliveries, noise levels, removal of trash and recyclables, or by other appropriate means as determined by the planning board.</p> <p>15. Demonstrated compliance with all applicable sections of this Bylaw.</p> <p><b>[pp.24-25]</b></p>
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	<p><b>9491.</b> Special Permit Conditions - The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to:</p> <ul style="list-style-type: none"> <li><b>a)</b> Dimensional requirements greater than the minimum required by this By-Law;</li> <li><b>b)</b> Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices;</li> <li><b>c)</b> Modification of the exterior features or appearances of the structure(s);</li> <li><b>d)</b> Limitation of size, number of occupants, method and time of operation and extent of facilities;</li> <li><b>e)</b> Regulation of number, design and location of access drives, drive-up windows and other traffic features;</li> <li><b>f)</b> Requirement of off-street parking and other special features;</li> <li><b>g)</b> Requirement for performance bonds or other security; and</li> <li><b>h)</b> Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given USE of land.</li> </ul> <p><b>[p. 130]</b></p>	<b>3.6.1.B</b>	<p><b>Conditions.</b> The Planning Board may impose reasonable conditions and mitigation measures in order that the proposed use or development meets the purposes of this section.</p> <p><b>[p.22]</b></p>
	<b>9492.</b> Time Limitation on Site Plan Special Permit	<b>3.6.4.D</b>	<b>Site Plan Review Lapse.</b> A Site Plan Review approval shall

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	<p>- A Site Plan Special Permit shall lapse if a substantial use thereof has not commenced except for good cause or in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Planning Board, not to exceed two years from the date of grant thereof.</p> <p><b>[p. 131]</b></p>		<p>lapse within three years from its issuance if substantial use or construction has not commenced within the three-year period, except for good cause. The Planning Board may grant a one-time extension of the approval for a one-year period upon a finding of good cause, at the written request of the applicant. Such request shall be submitted to the Planning Board prior to the expiration of the Site Plan Review approval.</p> <p><b>[p.25]</b></p>
<b>9500</b>	<b>USE SPECIAL PERMIT</b>		
	<p><b>9510.</b> Any non-residential development proposed for construction that consists of 10,000 square feet or more shall be required to first obtain a Special Permit from the Planning Board.</p> <p><b>9520.</b> Any non-residential structural addition proposed for construction that consists of 5,000 square feet or more shall be required to first obtain a Special Permit from the Planning Board.</p> <p><b>9530.</b> Any non-residential development proposed for construction that generates 500 or more daily vehicular trips shall be required to first obtain a Special Permit from the Planning Board.</p> <p>*Special Permit applications submitted to the Planning Board must conform with the Special Permit Rules and Regulations.</p> <p><b>[p. 131]</b></p>	<b>3.6.2.A</b>	<p><b>Site Plan Review Required.</b> A Site Plan Review approval shall be required for:</p> <ol style="list-style-type: none"> <li>1. New construction of any nonresidential or multifamily structure; or</li> <li>2. Alteration of any existing nonresidential or multifamily structure involving more than 1000 square feet of gross floor area, including any related accessory structures, but excluding single- and two-family houses and any accessory structures related thereto; or</li> <li>3. The construction or expansion of a parking lot of 10 or more spaces or the alteration of any entrance or exit, or any internal drive aisle.</li> </ol> <p><b>[p.22]</b></p>
	<b>SECTION 10000. DEFINITIONS.</b>	<b>2</b>	<b>DEFINITIONS</b>
	In this By-Law, the following terms and constructions		For the purpose of this Bylaw and unless the context of

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	<p>shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the By-Law. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this By-Law.</p> <p><b>[p. 132]</b></p>		<p>usage clearly indicates another meaning, the following terms shall have the following meanings:</p> <p>A. Words used in the present tense include the future.</p> <p>B. The singular includes the plural and the plural includes the singular.</p> <p>C. The word "and" includes "or" unless the contrary is evident from the text.</p> <p>D. The word "includes" or "including" shall not limit a term to specified examples. It is intended to extend its meaning to all other instances, circumstances, or items of like character or kind.</p> <p>E. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory.</p> <p>F. Terms and words not defined in this Section 2 or elsewhere in this Bylaw but defined in the State Building Code shall have meanings given there unless a contrary intention clearly appears in this Bylaw. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.</p> <p><b>[p.3]</b></p>
			<p><b>ABANDONMENT:</b> The cessation of a use or structure accompanied by an intent to abandon and voluntary conduct whether affirmative or negative. Time is not a controlling factor of abandonment. although the lapse of time may be evidence of an intent to abandon, and where it is accompanied by acts of abandonment, it may be considered in determining whether there has been</p>

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			abandonment. Abandonment may arise from a single act or a series of acts. <i>[p.2]</i>
	<b>ACCESSORY BUILDING OR STRUCTURE:</b> A building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building. A building is accessory only where a principal building exists on the same lot. <i>[p. 132]</i>		<b>ACCESSORY STRUCTURE:</b> A structure located on the same lot with the main building, detached or attached, and customarily incidental and subordinate to the use of the main building. <i>[p.2]</i>
	<b>ACCESSORY MOTOR VEHICLE RENTAL AND LEASING:</b> The indoor or outdoor rental or leasing of passenger motor vehicles that satisfies all of the following criteria: <ol style="list-style-type: none"> <li>1. No such rental or leased motor vehicle shall exceed 9,000 lbs in gross weight; and</li> <li>2. No such rented or leased motor vehicle shall be a box truck, cargo van, moving van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft; and</li> <li>3. No more than fifteen such rented or leased motor vehicles may be stored, parked or maintained at the Premises at any time; and</li> <li>4. All of such rented or leased motor vehicles are Principally Garaged in the Town of Tewksbury,</li> <li>5. Use must be accessory to a lawfully existing principal use as a motor vehicle sales dealership.</li> </ol> <i>[p. 132]</i>		
	<b>ACCESSORY RESIDENTIAL USE:</b> Any use customarily		

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	<p>incidental to the principal residential use, such as a private garage; carport; playhouse; private greenhouse; tool shed; tennis court; storage of one recreational trailer, home utility trailer, boat, and snowmobile; or swimming pool.</p> <p><i>[p. 132]</i></p>		
	<p><b>ACCESSORY USE:</b> A use customarily incidental to and located on the same lot with the principal use. A use is accessory only where a principal use exists on the same lot.</p> <p><i>[p. 132]</i></p>		<p><b>ACCESSORY USE:</b> A use that is customarily incidental and subordinate to the main building or use of land and located on the same lot and under the same ownership in all respects.</p> <p><i>[p.2]</i></p>
	<p><b>ACCESS DRIVEWAY:</b> The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the sideline of the street to the lot where the access driveway is no longer within the minimum parking area setback required herein.</p> <p><i>[p. 132]</i></p>		<p><b>ACCESS DRIVEWAY:</b> The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the sideline of the street to the lot where the access driveway is no longer within the minimum parking area setback required herein.</p> <p><i>[p.2]</i></p>
	<p><b>ADULT USE ESTABLISHMENT:</b> An establishment having a substantial or significant portion of its business activity, stock in trade, or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in M.G.L. c. 272, s. 31, including but not limited to the following: any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store as defined below:</p> <p><b>ADULT BOOKSTORE:</b> An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which</p>		<p><b>ADULT USES.</b> The following terms and definitions shall apply to Adult Uses.</p> <p><i>[pp.2,3]</i></p> <p><b>ADULT USE ESTABLISHMENT:</b> An establishment having a substantial or significant portion of its business activity, stock in trade, or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in G.L. c. 272, § 31, including but not limited to the following: any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store as defined below:</p>

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<p>are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, s. 31.</p> <p><b>ADULT CABARET:</b> A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which present: (a) persons who appear in a state of nudity as defined in M.G.L. c. 272, s. 31; or (b) live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, s. 31; or (c) films, motion pictures, video cassettes, slides, photographic reproductions or any other visual media which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in G. L., c. 272, s. 3.</p> <p><b>ADULT MOTION PICTURE THEATER:</b> An enclosed building used for presenting material (including, but not limited to, motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, s. 31.</p>	<p><b>ADULT BOOKSTORE:</b> An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.</p> <p><b>ADULT CABARET:</b> A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which present: (a) persons who appear in a state of nudity as defined in G.L. c. 272, § 31; or (b) live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31; or (c) films, motion pictures, video cassettes, slides, photographic reproductions, or any other visual media which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.</p> <p><b>ADULT MOTION PICTURE THEATER:</b> An enclosed building used for presenting material (including, but not limited to, motion picture films, video cassettes, cable television, slides, or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.</p> <p><b>ADULT PARAPHERNALIA STORE:</b> An establishment having</p>
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<p><b>ADULT PARAPHERNALIA STORE:</b> An establishment having as a portion of its stock devices, objects, tools, or toys which are distinguished by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in M.G.L. c. 272, s. 31.</p> <p><b>ADULT VIDEO STORE:</b> An establishment having as a substantial or significant portion of its stock in trade - for sale or rent - motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, s. 31.</p> <p><b>SUBSTANTIAL OR SIGNIFICANT PORTION:</b> The terms "substantial or significant portion" as used herein shall mean any of the following: (a) twenty percent (20%) or more of the business inventory or stock of merchandise for sale, rental distribution, or exhibition during any period of time; or (b) twenty percent (20%) or more of the annual number of gross sales, rentals, or other business transactions; or (c) twenty percent (20%) or more of the annual gross business revenue; or (d) twenty percent (20%) or more of the hours during which the establishment is open.  <i>[pp. 132, 133]</i></p>	<p>as a portion of its stock devices, objects, tools, or toys which are distinguished by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.</p> <p><b>ADULT VIDEO STORE:</b> An establishment having as a substantial or significant portion of its stock in trade - for sale or rent - motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.</p> <p><b>SUBSTANTIAL OR SIGNIFICANT PORTION:</b> The terms "substantial or significant portion" as used herein shall mean any of the following: (a) 20 percent or more of the business inventory or stock of merchandise for sale, rental distribution, or exhibition during any period of time; or (b) 20 percent or more of the annual number of gross sales, rentals, or other business transactions; or (c) 20 percent or more of the annual gross business revenue; or (d) 20 percent or more of the hours during which the establishment is open.</p> <p><b>SIGN, ADULT USE ADVERTISEMENT:</b> An advertising sign or devise which advertises an adult use establishment, adult bookstore, adult video store, adult cabaret, adult paraphernalia store, or adult motion picture theater and/or advertises the trade, rental or sale of material, distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.</p>
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			<b>AFFORDABLE HOUSING:</b> A dwelling unit restricted for sale or rent to a low- or moderate-income household and eligible for listing in the Chapter 40B Subsidized Housing Inventory as determined by the Massachusetts Department of Housing and Community Development (DHCD). <i>[p.3]</i>
	<b>AGRICULTURE:</b> Use of land for agriculture, horticulture, floriculture, or other protected operations pursuant to M.G.L. c. 40A, s. 3. <i>[p. 133]</i>		<b>AGRICULTURE, EXEMPT:</b> Use of land for commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture as defined under G.L. c. 128, § 1A and exempt from zoning under G.L. c. 40A, § 3. <i>[p.3]</i>
	<b>AGRICULTURE, NONEXEMPT:</b> Agricultural activities, limited to cultivating and harvesting general crops including the storage of necessary farm equipment and the raising of livestock, on parcels of less than five (5) acres. <i>[p. 134]</i>		<b>AGRICULTURE, NONEXEMPT:</b> Agricultural activities limited to cultivating and harvesting general crops, including the storage of necessary farm equipment and the raising of livestock, not exempt under G.L. c. 40A, § 3. <i>[p.3]</i>
	<b>ALTERATIONS:</b> As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another. <i>[p. 134]</i>		<b>ALTERATION:</b> As applied to a building or structure, alteration shall mean a change or rearrangement in the structural parts or in the existing facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another. <i>[p.3]</i>
	<b>ANIMAL CLINIC OR HOSPITAL:</b> A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use. <i>[p. 134]</i>		<b>VETERINARY AND ANIMAL CLINIC OR HOSPITAL:</b> An establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals and the boarding of animals receiving veterinary services. <i>[p.18]</i>
	<b>ARTS CRAFTS, ANTIQUES/COTTAGE INDUSTRIES:</b> A customary home occupation which combines the		

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	knowledge and principles of art with the manual skill of preparing items for sale or barter (excluding automotive vehicles). <i>[p. 134]</i>		
	<b>ASSISTED LIVING FACILITY:</b> An "assisted living residence" as defined in 651 CMR 12.02. <i>[p. 134]</i>		<b>ASSISTED LIVING RESIDENCE:</b> As defined in G.L. c. 19D, § 1, and certified by the Massachusetts Department of Elder Affairs under 651 CMR 12.00. <i>[p.10]</i>
	<b>BED AND BREAKFAST ESTABLISHMENT:</b> Accommodations with not more than four bedrooms occupied by bed and breakfast guests in which the owner of the establishment resides. Bed and breakfasts are intended for guests on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street. <i>[p. 134]</i>		<b>BED AND BREAKFAST:</b> A transient lodging establishment located in or on the same premises as an owner-occupied single-family dwelling, primarily engaged in providing overnight or temporary lodging in up to four guest rooms for the general public, and which may provide meals for compensation. <i>[p.10]</i>
	<b>BOARD OF APPEALS:</b> The Board of Appeals established or operating in the Town of Tewksbury pursuant to M.G.L. c. 40A, or any amendment thereof, or in addition thereto. <i>[p. 134]</i>		<b>ZONING BOARD OF APPEALS:</b> The Zoning Board of Appeals (ZBA) in the Town of Tewksbury pursuant to G.L. c. 40A, § 12 or any amendment thereof, or in addition thereto. <i>[p.19]</i>
	<b>BOARDING OR LODGING HOUSE:</b> A dwelling in which more than five (5) unrelated persons are housed or lodged by the day, week or month, either with or without meals. <i>[p. 134]</i>		<b>BOARDING HOUSE OR LODGING:</b> A dwelling in which more than five unrelated people are housed or lodged by the day, week, or month, either with or without meals. <i>[p. 10]</i>
	<b>BUILDING:</b> An independent structure having a roof supported by columns, or walls, resting on its own foundations, and designed for the shelter, housing, or enclosure of persons, animals or property of any kind. <i>[p. 134]</i>		<b>BUILDING.</b> The following terms and definitions pertain to Buildings. (See also, STORY and STORY, HALF.) <b>BUILDING:</b> An independent structure having a roof supported by columns, or walls, resting on its own foundations, and designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

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			<b>[p.3]</b>
	<b>BUILDING COMMISSIONER:</b> The Administrative chief of the building department in a municipality who is charged with the administration and enforcement of 780 CMR. All building commissioners shall meet or exceed the minimum qualifications for the position as defined in M.G.L. c. 143, s. 3 and shall be certified in accordance with 780 CMR R7. <b>[p. 134]</b>		<b>BUILDING COMMISSIONER:</b> The administrative chief of the building department, meeting the minimum qualifications in G.L. c. 143, § 3 and certified in accordance with 780 CMR R7, with responsibility for administering and enforcing 780 CMR in the Town of Tewksbury. <b>[p.4]</b>
	<b>BUILDING COVERAGE:</b> That percentage of the lot or plot area covered by the roof area of a building or buildings. <b>[p. 134]</b>		<b>BUILDING COVERAGE:</b> The percentage of the lot or plot area covered by the roof area of a building or buildings. <b>[p.4]</b>
	<b>BUILDING HEIGHT:</b> The height of a building shall be the vertical distance from the grade plane to the highest point of the roof. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space. <b>[p. 134]</b>		<b>BUILDING HEIGHT:</b> The vertical distance from grade plane to the average height of the highest roof surface. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space. <b>[p.4]</b>
	<b>BUILDING, PRINCIPAL:</b> A building in which is conducted the main or principal use of the lot on which said building is situated. <b>[p. 134]</b>		<b>BUILDING, PRINCIPAL:</b> A building in which is conducted the main or principal use of the lot on which the building is situated. <b>[p.4]</b>
	<b>BUSINESS OR PROFESSIONAL OFFICE:</b> A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and others. <b>[p. 135]</b>		<b>BUSINESS OR PROFESSIONAL OFFICE:</b> A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and others. <b>[p.4]</b>
	<b>CAR WASH:</b> Any building or premises or portions		<b>CAR WASH:</b> Any building or premises or portions thereof

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	thereof charging a fee for washing automobiles, or offering such service accessory to a commercial operation. <b>[p. 135]</b>		charging a fee for washing automobiles, or offering such service accessory to a commercial operation. <b>[p.4]</b>
	<b>CHILD CARE:</b> A day care center or a child care program, as those terms are defined in M.G.L. c. 28A, s. 9. <b>[p. 135]</b>		<b>CHILD CARE OR DAY CARE.</b> The following terms and definitions pertain to day care facilities for children: <b>CHILD CARE CENTER:</b> As defined in G.L. c. 15D, s. 1A and licensed by the Commonwealth of Massachusetts. <b>FAMILY CHILD CARE HOME:</b> A private residence, licensed by the Commonwealth of Massachusetts to provide care for up to 6 children, which on a regular basis receives children under 7, or children under 16 with special needs, for temporary custody and care during part or all of the day, as defined in G.L. c. 15D, § 1A. <b>FAMILY CHILD CARE HOME, LARGE:</b> A family child care home as defined in G.L. c. 15D, § 1A, licensed to provide care for up to 10 children. <b>[p.4]</b>
	<b>CLEARING:</b> The removal and/or cutting of trees, shrubs, bushes, or bush. Clearing shall also including grubbing. <b>[p. 135]</b>		<b>CLEARING:</b> The removal and/or cutting of trees, shrubs, bushes, or bush, or grubbing. <b>[p.4]</b>
	<b>CLUB OR LODGE:</b> Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization. <b>[p. 135]</b>		
	<b>CLUSTER DEVELOPMENT:</b> A subdivision to be		

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	<p>developed as an entity by a land owner or owners in a manner where exempting his plan from the lot area and frontage requirements of this By-Law will result in preserving open space and result in a more efficient use of land.</p> <p><b>[p. 135]</b></p>		
	<p><b>COMMERCIAL MOBILE RADIO SERVICE/MOBILE TELECOMMUNICATIONS PROVIDERS:</b> A personal wireless service, unlicensed wireless services and common carrier wireless exchange access service, the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.</p> <p><b>[p. 135]</b></p>		
	<p><b>COMMERCIAL RECREATION, INDOOR:</b> A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.</p> <p><b>[p. 135]</b></p>		<p><b>COMMERCIAL RECREATION, INDOOR:</b> A structure for recreational, social, or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.</p> <p><b>[p.4]</b></p>
	<p><b>COMMERCIAL RECREATION, OUTDOOR:</b> Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-Law.</p>		<p><b>COMMERCIAL RECREATION, OUTDOOR:</b> Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.</p>

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	<b>[p. 135]</b>		<b>[p.4]</b>
	<p><b>COMMERCIAL VEHICLE, LIGHT:</b> Any vehicle under 10,000 lbs. gross vehicle weight which is used in construction or other commercial enterprise. This does not include other equipment used for landscaping and/or construction or cube vans, stepvans and buses.</p> <p><b>[p. 135]</b></p>		<p><b>COMMERCIAL VEHICLE, LIGHT:</b> Any vehicle under 10,000 lbs. gross vehicle weight which is used in construction or other commercial enterprise. This does not include other equipment used for landscaping and/or construction or cube vans, step vans, or buses.</p> <p><b>[p.4]</b></p>
	<p><b>COMMERCIAL VEHICLE, HEAVY:</b> Any vehicle over 10,000 lbs. gross vehicle weight which is used in construction or other commercial enterprise. This includes, but is not limited to, other equipment used for landscaping and/or construction or cube vans, stepvans and buses</p> <p><b>[p. 135]</b></p>		<p><b>COMMERCIAL VEHICLE, HEAVY:</b> Any vehicle over 10,000 lbs. gross vehicle weight which is used in construction or other commercial enterprise. This includes, but is not limited to, other equipment used for landscaping and/or construction or cube vans, step vans, and buses.</p> <p><b>[p.4]</b></p>
	<p><b>COMMUNITY DEVELOPMENT USE:</b> A structure or combination of structures containing an adult day care facility, or an independent living facility, or an assisted living facility, or a long term care facility.</p> <p><b>[p. 136]</b></p>		
	<p><b>CONTRACTOR'S YARD:</b> Land used for the storage of commercial construction equipment, materials, and supplies and for the parking of registered commercial vehicles.</p> <p><b>[p. 136]</b></p>		<p><b>CONTRACTOR'S YARD:</b> Land used for the storage of commercial construction equipment, materials, and supplies and for the parking of registered commercial vehicles.</p> <p><b>[p.4]</b></p>
	<p><b>CORNER LOT:</b> A lot bounded by more than one (1) street which has an interior angle of 135 degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such a lot or by an extension of such street lines. A lot bounded by one street shall be considered a corner lot when the tangents or straight segments of the street line between the side lines of the lot form, or</p>		<p><b>CORNER LOT:</b> See LOT.  <b>CORNER LOT:</b> A lot bounded by more than one street which has an interior angle of 135 degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such a lot or by an extension of such street lines. A lot bounded by one street shall be considered a corner lot when the tangents or straight segments of the street line between the side lines</p>

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	would form if extended, an interior angle of 105 degrees or less. <i>[p. 136]</i>		of the lot form, or would form if extended, an interior angle of 105 degrees or less. <i>[p.11]</i>
	<b>DAILY VEHICULAR TRIP:</b> A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site. <i>[p. 136]</i>		
	<b>DAY CARE, ADULT:</b> A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs. <i>[p. 136]</i>		<b>ADULT DAY CARE:</b> A social day care or adult day health facility as those terms are defined by the Massachusetts Department of Elder Affairs. <i>[p.2]</i>
	<b>DAY CARE, FAMILY:</b> Any private residence which on a regular basis receives for temporary custody and care during part or all of the day, as defined in M.G.L. c. 28A, s.9. <i>[p. 136]</i>		<b>(SEE CHILD CARE ABOVE)</b> <i>[p.4]</i>
	<b>DEBRIS:</b> Accumulated fragments, ruins, or rubbish. In addition to this usual meaning shall also include but not be limited to the following: used motor vehicle and heavy equipment parts and demolition materials from buildings and other structures. <i>[p. 136]</i> <b>DRIVE THROUGH FACILITY:</b> A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and service is provided to the customer through a window, mechanical device or by an agent of the facility without the customer exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations. <i>[p. 136]</i>		<b>DEBRIS:</b> Accumulated fragments, ruins, or rubbish; used motor vehicle and heavy equipment parts; or demolition materials from buildings and other structures. <i>[p.5]</i>  <b>DRIVE-THROUGH SERVICE:</b> A commercial facility that provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and service is provided to the customer through a window or mechanical device, or by an agent of the facility without the customer exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations. <i>[p.5]</i>
	<b>DWELLING UNIT:</b> One or more rooms providing		<b>DWELLING UNIT:</b> One or more rooms providing complete



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	complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating. <b>[p. 136]</b>		living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating. <b>[p.5]</b>
	<b>DWELLING:</b> A building, or portion thereof, designed exclusively for residential occupancy, including single-family, two-family, or multiple family dwelling (apartments), but not including hotels, motels, boarding homes, trailers, or structures primarily for transient or overnight occupancy. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. <b>[p. 136]</b>		<b>DWELLINGS.</b> The following terms and definitions shall apply to the variety of Dwellings provided for in this Bylaw. (See also, HOUSING FOR OLDER ADULTS.) <b>DWELLING:</b> A building, or portion thereof, designed exclusively for residential occupancy, including single-family, two-family, or multiple family dwelling (apartments), but not including hotels, motels, boarding homes, trailers, or structures primarily for transient or overnight occupancy. <b>[p.5]</b>
	<b>DWELLING, MULTIFAMILY:</b> A building containing three or more dwelling units. <b>[p. 136]</b>		<b>DWELLING, MULTIFAMILY:</b> A building containing three or more dwelling units. <b>[p.5]</b>
			<b>DWELLING, SINGLE-FAMILY DETACHED:</b> A detached building designed exclusively for occupancy by one family. <b>[p.5]</b>
			<b>DWELLING, TOWNHOUSE:</b> A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. <b>[p.5]</b>
			<b>DWELLING, TWO-FAMILY:</b> A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family. <b>[p.5]</b>
	<b>DWELLING, MULTIFAMILY/55:</b> A building containing		

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	three or more dwelling units; provided, however, that one hundred percent (100%) of the housing units shall be occupied by means of fee simple ownership, and/or by lease agreement, by persons who have attained the age of fifty-five (55) or older, unless the spouse of such person age 55 or older is under 55, and/or such person who has attained the age of 55 or older has sole or joint custody of a person under the age of 55. <i>[pp. 136, 137]</i>		
	<b>EARTH REMOVAL:</b> Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations. <i>[p. 137]</i>		<b>EARTH REMOVAL:</b> Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations. <i>[p.5]</i>
	<b>EARTH MOVING:</b> The moving within, removal from and/or addition to any lot or parcel of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand, or gravel. <i>[p. 137]</i>		
	<b>EDUCATIONAL PURPOSES, USE OF LAND OR STRUCTURES FOR:</b> Exempt activity as set forth in M.G.L. c. 40A, s. 3. <i>[p. 137]</i>		<b>EDUCATIONAL USE, EXEMPT:</b> Exempt activity as set forth in G.L. c. 40A, § 3. <i>[p.5]</i>
	<b>EDUCATIONAL PURPOSES, NONEXEMPT:</b> Educational facilities not exempted from regulation by M.G.L. c. 40A, s. 3. <i>[p. 137]</i>		<b>EDUCATIONAL USE, NONEXEMPT:</b> Educational facilities not exempt from zoning under G.L. c. 40A, § 3. <i>[p.5]</i>
	<b>ELDERLY CONGREGATE LIVING FACILITY:</b> An Elderly Congregate Living Facility for persons 55 and over,		<b>CONGREGATE RESIDENCE FOR OLDER ADULTS:</b> A congregare living residence for people 55 and over,

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<p>containing independent living quarters suitable for single or double person occupancy. Within an elderly congregate living facility, residents shall be provided limited assistance with daily living activities and personal care services such as laundry, housekeeping and transportation but not including personal hygiene, nursing or other medical services. The living quarters are not required to have a stove in the kitchen area, but shall include counter space, cabinets, sink, refrigerator, and an outlet and space for a microwave oven. An elderly congregate living facility shall have centralized kitchen and dining facilities. The centralized kitchen shall be fully functioning and staffed to provide to the occupants of the facility three prepared meals per day, seven days a week. The centralized kitchen and dining facilities shall be adequately sized to accommodate the number of occupants of the facility. Adequate shared complete kitchens must be accessible for personal use by the occupants of the facility.</p> <p>In addition to independent living quarters as defined above, such facility may also contain full dwelling units with kitchens for occupancy by elderly residents or by on-site personnel and management, and such dwelling units may be contained in attached or detached buildings.</p> <p><b>[p. 137]</b></p>	<p>containing independent living quarters suitable for single- or double-person occupancy, with centralized kitchen and common dining facilities and limited cooking facilities in private rooms or suites. Residents receive limited services such as laundry, housekeeping, and transportation. Congregate living residences may also include full dwelling units with kitchens for occupancy by older adults or by on-site personnel and management, and such dwelling units may be contained in attached or detached buildings.</p> <p><b>[p.10]</b></p> <p><b>CONTINUING CARE RETIREMENT COMMUNITY (CCRC):</b> A residential community for people 62 years and over, guaranteeing lifetime housing, social and leisure activities, and increased levels of care as needs change with age. A CCRC provides a tiered approach to senior residential living. It typically includes independent living units such as single-family homes and multifamily apartments or condominiums, together with an assisted living/memory care component and skilled nursing care.</p> <p><b>[p.10]</b></p>
<p><b>ERECT:</b> To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.</p> <p><b>[p. 137]</b></p>	<p><b>ERECT:</b> To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.</p> <p><b>[p.6]</b></p>

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<p><b>ESSENTIAL SERVICES:</b> Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water or sewer transmission or distribution and collection systems, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.</p> <p><i>[p. 137]</i></p>	<p><b>ESSENTIAL SERVICES:</b> Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water or sewer transmission or distribution and collection systems, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.</p> <p><i>[p.6]</i></p>
<p><b>FAMILY:</b> Any number of individuals living together on the premises of a single housekeeping unit.</p> <p><i>[p. 137]</i></p>	<p><b>FAMILY:</b> Any number of individuals living together on the premises of a single housekeeping unit.</p> <p><i>[p.6]</i></p>
<p><b>FAMILY SUITE:</b> An accessory dwelling unit located within a single family dwelling subordinate in size to the principle unit and separated from it in a manner that maintains the appearance of a single family dwelling. Brothers, sisters, maternal parents and grandparents, paternal parents and grandparents, in-laws and or children of the residing owners of the principle dwelling unit may only occupy the family suite.</p> <p><i>[p. 138]</i></p>	<p><b>FAMILY SUITE:</b> An accessory dwelling unit located within a single-family dwelling subordinate in size to the principle unit and separated from it in a manner that maintains the appearance of a single-family dwelling. Occupancy of the family suite shall be limited to family members of the resident household.</p> <p><i>[p.5]</i></p>
<p><b>FARM STAND, EXEMPT:</b> Sale of farm products on a parcel larger than five acres, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been</p>	<p><b>FARM STAND, EXEMPT:</b> Sale of farm products on a parcel of five acres, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing five or</p>

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	produced by the owner of the land containing more than five acres in area on which the facility is located. <b>[p. 138]</b>		more acres in area on which the facility is located; or to parcels two acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in areas not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel. <b>[p.6]</b>
	<b>FARM STAND, NONEXEMPT:</b> Facility for the sale of produce, wine and dairy products on property not exempted by M.G.L. c. 40A, s. 3. <b>[p. 138]</b>		<b>FARM STAND, NONEXEMPT:</b> Facility for the sale of produce, wine, and dairy products on property not exempted by G.L. c. 40A, § 3. <b>[p.6]</b>
	<b>FIRM:</b> Flood Insurance Rate Map(s). <b>[p. 138]</b>		
	<b>FLOODPLAIN:</b> Those areas of land adjacent to the rivers, streams, and other water courses in the Town which experience frequent regular or periodic flooding. <b>[p. 138]</b>		<b>FLOODPLAIN:</b> Those areas of land adjacent to the rivers, streams, and other water courses in the Town which experience frequent regular or periodic flooding. <b>[p.7]</b>
	<b>FRONTAGE:</b> The lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot. <b>[p. 138]</b>		<b>FRONTAGE: See LOT.</b> <b>FRONTAGE, LOT:</b> The lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120 degrees. Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot. <b>[p.11]</b>
	<b>FRONT LINE:</b> A line drawn parallel to and along the front wall of a building extended to the property line.		<b>FRONT BUILDING LINE:</b> A line drawn parallel to and along the front wall of a building extended to the property line.

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	<b>[p. 138]</b>		<b>[p.8]</b>
	<b>FUNERAL HOME:</b> Facility for the conducting of funerals and related activities such as embalming. <b>[p. 138]</b>		<b>FUNERAL HOME:</b> Facility for the conducting of funerals and related activities such as embalming. <b>[p.8]</b>
	<b>GAME COURT:</b> Any specially prepared play area whose surface, topography, size, shape and configuration is associated with recreational games, such as basketball, volleyball, badminton, tennis, horseshoes and archery. Such term shall not include golf courses or walking and jogging trails. <b>[p. 138]</b>		<b>GAME COURT:</b> Any specially prepared play area whose surface, topography, size, shape, and configuration are associated with recreational games such as basketball, volleyball, badminton, tennis, horseshoes, and archery. <b>[p.8]</b>
	<b>GARAGE FOR AUTOMOTIVE STORAGE:</b> A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment. <b>[p. 138]</b>		<b>GARAGE FOR AUTOMOTIVE STORAGE:</b> See <b>MOTOR VEHICLE USES.</b> <b>GARAGE FOR AUTOMOTIVE STORAGE:</b> A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such an establishment. <b>[p.14]</b>
			<b>GAS STATION or AUTOMOTIVE REFUELING STATION:</b> Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental; excluding storage of abandoned motor vehicles on the premises. May include the sale of propane or kerosene as accessory uses. <b>[p.14]</b>
	<b>GRADE PLANE:</b> A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet		<b>GRADE PLANE:</b> A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a

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	from the building, between the building and a point six feet from the building. <b>[p. 138]</b>		point 6 feet (1829 mm) from the building. <b>[p.8]</b>
			<b>GROSS FLOOR AREA:</b> The floor area within the inside perimeter of the exterior walls of a building, without deducting for stairways, ramps, closets, the thickness of interior walls or other features. <b>[p.9]</b>
			<b>GROUP HOME or RESIDENTIAL CARE FACILITY:</b> A facility operating under a state license to provide primarily nonmedical residential services to one or more unrelated individuals on a 24-hour per day basis, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves; including substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment. <b>[p.5]</b>
	<b>GRUBBING:</b> The removal of stumps and/or roots from the soil. <b>[p. 138]</b>		<b>GRUBBING:</b> The removal of stumps and/or roots from the soil. <b>[p.9]</b>
	<b>HOME OCCUPATION:</b> A business, other than retail sales, which is clearly customarily incidental to, and conducted with in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof, such as a room or rooms as a professional office or studio or for a customary home occupation and employing not more than one employee. <b>[p. 139]</b>		<b>HOME OCCUPATION:</b> A business that is clearly and customarily incidental to, and conducted within, a dwelling unit or in a building or other structure accessory thereto, by a resident thereof, such as a room or rooms as a professional office or personal service or a studio or for other customary home occupation. <b>[p.9]</b>
	<b>HOSPITAL:</b> An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other conditions, and related facilities, such as laboratories, outpatient facilities, training		<b>HOSPITAL:</b> An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other conditions, and related facilities, such as laboratories, outpatient facilities, training facilities, offices, and staff

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	facilities, offices, and staff residences. <b>[p. 139]</b>		residences. <b>[p.9]</b>
	<b>HOTEL:</b> A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building and with or without public dining facilities. <b>[p. 139]</b> <b>INTERIOR DRIVEWAY:</b> A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces. An interior driveway shall not include any part of the access driveway. <b>[p. 139]</b>		<b>HOTEL: See LODGING.</b> <b>HOTEL:</b> A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, with access to units primarily from interior lobbies, courts, or halls.  <b>INTERIOR DRIVEWAY:</b> A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces, and which is exclusive of any part of the access driveway. <b>[p.10]</b>
	<b>ITINERANT ROADSIDE VENDING:</b> The periodic sale of merchandise or goods on a lot including, but not limited to, sales from a vehicle parked on a lot. <b>[p. 139]</b>		
	<b>JUNKYARD OR AUTOMOBILE SALVAGE YARD:</b> The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof. <b>[p. 139]</b>		<b>JUNKYARD OR AUTOMOBILE SALVAGE YARD:</b> The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap, or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof. <b>[p.10]</b>
	<b>KENNEL, COMMERCIAL:</b> A commercial establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold located on at least five (5) acres of land. <b>[p. 139]</b>		<b>KENNEL, COMMERCIAL:</b> A commercial establishment in which more than three dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold; with or without outdoor training facilities. <b>[p.10]</b>



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	<b>LIGHT MANUFACTURING:</b> Fabrication, assembly, processing, finishing work or packaging. <i>[p. 139]</i>		
	<b>LIMOUSINE OR TAXICAB BUSINESS:</b> A facility or terminal making available for hire a limousine, taxicab, van or livery business. <i>[p. 139]</i>		<b>LIMOUSINE OR TAXICAB BUSINESS:</b> A facility or terminal making available for hire a limousine, taxicab, van, or livery business. <i>[p.10]</i>
			<b>LIVE-WORK UNIT:</b> Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. <i>[p.5]</i>
	<b>LOT:</b> A parcel of land used or set aside and available for use as site of one (1) or more buildings and buildings accessory thereto or for any other definite purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which lot abuts. <i>[p. 139]</i>		<b>LOT.</b> The following terms and definitions pertain to Lots: <b>LOT:</b> A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which lot abuts. <i>[p.10]</i>
	<b>LOT COVERAGE:</b> The projected area of space in all buildings on the lot, including all roof overhangs. <i>[p. 139]</i>		
	<b>MAJOR COMMERCIAL PROJECT.</b> Any nonresidential development proposed for construction that has any of the following attributes: 1. 10,000 gross square feet of structures(s); 2. Any addition to an existing structure causing such structure to exceed 10,000 gross square feet;		

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	<p>3. 250 or more vehicle trips per day as calculated using the Institute of Traffic Engineer's Trip Generation Manual or other method acceptable to the Planning Board.</p> <p><i>[pp. 139, 140]</i></p>		
	<p><b>MAJOR RECREATIONAL EQUIPMENT:</b> Campers, trailers or other recreational vehicles.</p> <p><i>[p. 140]</i></p>		
	<p><b>MANEUVERING AISLE:</b> A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.</p> <p><i>[p. 140]</i></p>		<p><b>MANEUVERING AISLE:</b> A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.</p> <p><i>[p.11]</i></p>
	<p><b>MANUFACTURING:</b> A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but not including any type of uses expressly prohibited by this bylaw, such as but not limited to uses prohibited under Section 3105.</p> <p><i>[p. 140]</i></p>		<p><b>MANUFACTURING:</b> A use engaged in basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, finishing work, packaging, incidental storage, sales and distribution of such products.</p> <p><i>[p.11]</i></p>
			<p><b>MAJOR PROJECT, TOWN CENTER:</b> Any development of 25,000 square feet or more.</p> <p><i>[p.11]</i></p>
	<p><b>MASSAGE SERVICE ESTABLISHMENTS:</b> The term "Massage" shall mean any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electric apparatus or appliances, with or without such supplementary</p>		<p><b>MASSAGE SERVICE ESTABLISHMENT:</b> Any building, room, place, or establishment other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered</p>

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	<p>aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefore. The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions:</p> <p>Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts; Nurses who are registered under the Laws of the Commonwealth of Massachusetts; Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.</p> <p><b>[p. 140]</b></p>		<p>status.</p> <p><b>[p.13]</b></p>
	<p><b>MASSAGE THERAPY (LICENSED):</b> The practice and license of Massage Therapy as described in the Tewksbury Board of Health Regulations for Practitioners of Massage Therapy. No person shall engage or hold himself/herself out as being engaged in the practice of Massage Therapy without a license issued by the Tewksbury Board of Health.</p> <p><b>[p. 140]</b></p>		<p><b>MASSAGE THERAPY (LICENSED):</b> The practice and license of Massage as defined in 269 CMR 2.00. No person shall engage or hold himself/herself out as being engaged in the practice of Massage Therapy without a license issued by the Commonwealth of Massachusetts.</p> <p><b>[p.13]</b></p>
	<p><b>MEDICAL CENTER OR CLINIC:</b> A building designed</p>		<p><b>MEDICAL CENTER OR CLINIC:</b> A building designed and used</p>

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	and used for the diagnosis and treatment of human patients that does not include overnight care facilities. <b>[p. 140]</b>		for the diagnosis and treatment of human patients that does not include overnight care facilities. <b>[p.13]</b>
	<b>MEMBERSHIP CLUB, CIVIC, SOCIAL, PROFESSIONAL OR FRATERNAL ORGANIZATION:</b> Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization. <b>[p. 140]</b>		<b>MEMBERSHIP ORGANIZATION, CLUB OR LODGE:</b> Buildings, structures, and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization. <b>[pp.13, 14]</b>
			<b>MIXED USE OR MIXED-USE DEVELOPMENT:</b> A building containing more than one use or a development with two or more buildings containing more than one use. For a mixed-use building in a nonresidential district, the ground floor of the front façade shall be used for allowed nonresidential uses only. <b>[p.14]</b>
	<b>MOBILE HOME:</b> Any vehicle without motor power designed, constructed, reconstructed or added to by means of accessories in a manner to permit the use and occupancy thereof as a one family dwelling unit; whether resting on wheels, foundation structures, or other support; but constructed so as to permit its occasional movement over a street or highway. <b>[pp. 140-141]</b>		<b>MOBILE HOME:</b> Any vehicle without motor power designed, constructed, reconstructed or added to by means of accessories in a manner to permit the use and occupancy thereof as a one family dwelling unit; whether resting on wheels, foundation structures, or other support; but constructed so as to permit its occasional movement over a street or highway. <b>[p.14]</b>
	<b>MOBILE PARKED FOOD SERVICE:</b> A mobile facility for		

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	the sale of food or beverages. <i>[p. 141]</i>		
	<b>MOTEL:</b> A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces or facility (includes motor hotels and motor inns). <i>[p. 141]</i>		<b>MOTEL: See LODGING</b> <b>MOTEL:</b> A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces, or facility (includes motor hotels and motor inns). <i>[p.10]</i>
	<b>MOTOR VEHICLE GENERAL AND BODY REPAIR SERVICES:</b> An establishment, garage or work areas enclosed within a building for the servicing and repair of motor vehicles. The term "motor vehicle general and body repair services" means the services of mending or bringing back to working order the body or any operating parts of a motor vehicle that was broken, damaged, malfunctioning or defective. The term "motor vehicle general and body repair services" also includes the services of restoring, rebuilding or replacing any motor, engine, working parts, accessories, body or interior of the motor vehicle. The term "motor vehicle general and body repair services" also includes all maintenance services that keep a motor vehicle in good working order, including but not limited to replacing vehicle fluids (e.g., oil or coolant), lubricating the chassis, diagnostic testing, replacing spark plugs and filters, rotating tires, recharging the air conditioning system, rust proofing, painting or repainting, and applying fabric protection or paint sealant. The term "motor		<b>MOTOR VEHICLE GENERAL AND BODY REPAIR SERVICES:</b> An establishment, garage or work areas enclosed within a building for the servicing and repair of motor vehicles, but not including (1) installing new parts or accessories that are not replacements for existing parts or accessories (e.g., customizing), or (2) towing or storing a motor vehicle, or (3) storage of vehicles for the cannibalization of vehicle parts, or (4) fuel sales, or (5) indoor or outdoor sale and rental of motor vehicles, box truck, cargo van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft. <i>[p.14]</i>

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	vehicle general and body repair services" does not include (1} the service of installing new parts or accessories that are not replacements for existing parts or accessories (e.g., customizing), (2} the service of towing or storing a motor vehicle, (3} the storage of vehicles for the cannibalization of vehicle parts, (3) fuel sales, and (4) the indoor or outdoor sale and rental of motor vehicles, box truck, cargo van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft. <b>[p. 141]</b>		
	<b>MOTOR VEHICLE LIGHT SERVICE:</b> Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs. <b>[p. 141]</b>		<b>MOTOR VEHICLE ROUTINE MAINTENANCE:</b> Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs. <b>[p.14]</b>
	<b>MOTOR VEHICLE, MOTORCYCLE, TRAILER, SNOWMOBILE, OR BOAT SALES AND RENTAL:</b> The indoor or outdoor sales or rental of the listed commodities. <b>[p. 141]</b>		
	<b>MUNICIPAL FACILITY:</b> Any use of land or structures owned by the Town of Tewksbury. Such facilities shall be exempt from all dimensional requirements set forth in this By-Law. <b>[p. 141]</b>		<b>MUNICIPAL FACILITY:</b> Any use of land or structures owned by the Town of Tewksbury. <b>[p.14]</b>
	<b>NONCONFORMING USE OR STRUCTURE:</b> A building, structure, or use of land as set forth in M.G.L. c. 40A, s. 6. <b>[p. 141]</b>		
	<b>NURSING HOME:</b> Any place or institution for aged, infirm, chronic or convalescent, whether conducted		<b>NURSING HOME:</b> Any place or institution for aged, infirm, chronic or convalescent, whether conducted for charity or

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<p>for charity or for profit, which is established to render domiciliary care, custody, treatment and/or lodging of three (3) or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. (This term includes boarding and rooming houses for aged people, convalescent homes, rest homes, homes for the aged or infirm, convalescent homes for children, and the like; but does not include hospitals, clinics, and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness).</p> <p><b>[p. 141]</b></p>		<p>for profit, which is established to render domiciliary care, custody, treatment, or lodging of three or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. As used in this Bylaw, “nursing home” shall not include hospitals, clinics, and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.</p> <p><b>[p.14]</b></p>
<p><b>OBJECTIONABLE FEATURE:</b> Any situation or condition on a lot which will devalue or otherwise impair the neighborhood, structure, or a condition not commonly found on similar properties or take any action thereto.</p> <p><b>[p. 142]</b></p>		
<p><b>ONE HUNDRED YEAR FLOOD:</b> The flood that has a one percent chance of being equaled or exceeded in any given year, as shown on the base flood elevation designated on the FIRM.</p> <p><b>[p. 142]</b></p>		<p><b>ONE HUNDRED YEAR FLOOD:</b> The flood that has a one percent chance of being equaled or exceeded in any given year, as shown on the base flood elevation designated on the Flood Insurance Rate Maps.</p> <p><b>[p.14]</b></p>
<p><b>OVERLAY DISTRICT:</b> A zoning district which is superimposed on other zoning districts and whose regulations are supplementary to those of the zoning districts so overlaid. Any uses permitted on the portions of districts so overlaid shall be permitted subject to the provisions contained in the overlay district.</p> <p><b>[p. 142]</b></p>		

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	<b>PARKING AREA:</b> A public parking area or a private parking area that is open to the parking of motor vehicles by customers and employees of an establishment. <i>[p. 142]</i>		<b>PARKING AREA:</b> A public parking area or a private parking area that is open to the parking of motor vehicles by customers and employees of an establishment. <i>[p.14]</i>
	<b>PARKING STALL LENGTH OF LINE:</b> The longitudinal dimension of the stall measured parallel to the angle of parking. <i>[p. 142]</i>		
	<b>PERSON:</b> Shall include an individual corporation, society, association, partnership, trust or other entity, public or private. <i>[p. 142]</i>		<b>PERSON:</b> Shall include an individual corporation, society, association, partnership, trust, or other entity, public or private. <i>[p.14]</i>
			<b>PERSON WITH A DISABILITY:</b> one who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. <i>[p.14]</i>
	<b>PERSONAL SERVICE ESTABLISHMENT:</b> A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like. <i>[p. 142]</i>		<b>PERSONAL SERVICE ESTABLISHMENT:</b> A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like. <i>[p.15]</i>
			<b>PET SERVICES - INDOOR:</b> Animal grooming; pet stores; indoor animal training centers; animal day-care; or similar services, operated on a day-time basis only. No overnight boarding of animals shall be allowed, except for animals for sale by a commercial retail pet store. <i>[p.15]</i>



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	<b>PREMISES:</b> A lot together with all structures, building and uses therein. <i>[p. 142]</i>		<b>PREMISES:</b> A lot together with all structures, buildings, and uses therein. <i>[p.15]</i>
	<b>PRINCIPALLY GARAGED:</b> The principal location where a registered vehicle is garaged as set forth in the Massachusetts Registry of Motor Vehicles RMV-I form, or any other form promulgated by the Commonwealth of Massachusetts, for the purpose of registering a motor vehicle. <i>[p. 142]</i>		<b>PRINCIPALLY GARAGED:</b> The principal location where a registered vehicle is garaged as set forth in the Massachusetts Registry of Motor Vehicles RMV-I form, or any other form promulgated by the Commonwealth of Massachusetts, for the purpose of registering a motor vehicle. <i>[p.15]</i>
	<b>PROFESSIONAL OFFICE:</b> The office of one engaged in such generally recognized professions as physician, dentist, veterinarian, attorney-at-law, engineer, architect, landscape architect, interior designer, and accountant. <i>[p. 142]</i>		<b>PROFESSIONAL OFFICE:</b> The office of one engaged in such generally recognized professions as physician, dentist, veterinarian, attorney-at-law, engineer, architect, landscape architect, interior designer, and accountant. <i>[p.15]</i>
	<b>PUBLIC WAY:</b> Shall include a private way that is open to public use. <i>[p. 142]</i>		<b>PUBLIC WAY:</b> Shall include a private way that is open to public use. <i>[p.14]</i>
	<b>RELIGIOUS PURPOSES, USE OF LAND OR STRUCTURES FOR:</b> Exempt activity as set forth in M.G.L. c. 40A, s. 3. <i>[p. 142]</i>		<b>RELIGIOUS USE:</b> Exempt activity as set forth in G.L. c. 40A, § 3. <i>[p.15]</i>
	<b>REMOVAL OF LOAM, SAND OR GRAVEL:</b> Extraction of sand, gravel, loam, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved		<b>REMOVAL OF LOAM, SAND OR GRAVEL:</b> Extraction of sand, gravel, loam, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

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	definitive plan, and exclusive of granite operations. <b>[p. 142]</b>		<b>[p.15]</b>
	<b>RESTAURANT:</b> A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast food restaurants." <b>[pp. 142, 143]</b>		<b>RESTAURANT:</b> A building, or portion thereof, containing tables or booths for at least two thirds of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. <b>[p.15]</b>
	<b>RESTAURANT, FAST-FOOD:</b> An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter. <b>[p. 143]</b>		
	<b>RETAIL SALES:</b> A facility selling goods not specifically listed in the Table of Use Regulations. <b>[p. 143]</b>		<b>RETAIL (STORE):</b> The selling of goods and commodities directly to the ultimate consumer. <b>[p.15]</b>
	<b>SEMIDETACHED:</b> Two (2) one-family houses built together at the same time and separated by a fireproof division with no openings. <b>[p. 143]</b>		
	<b>SERVICE AREA:</b> A room or rooms in a building used to house electrical or mechanical equipment necessary to provide central utility service to the building, such as a boiler room. <b>[p. 143]</b>		<b>SERVICE AREA:</b> A room or rooms in a building used to house electrical or mechanical equipment necessary to provide central utility service to the building, such as a boiler room. <b>[p.15]</b>
	<b>SIGN:</b> Any device designed to inform or attract the		<b>SIGN:</b> The following terms and definitions pertain to Signs.

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<p>attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs." The following, however, shall not be considered signs within the context of this ordinance:</p> <ul style="list-style-type: none"> <li>(a) Flags and insignia of any government except when displayed in connection with commercial promotion.</li> <li>(b) Legal notices, or informational devices erected or required by public agencies.</li> <li>(c) Temporary devices erected for a charitable or religious cause. <i>(Original text deleted as per Attorney General response of August 21, 2002).</i></li> <li>(d) Temporary displays inside windows, covering not more than thirty (30) percent of window area, illuminated by building illumination only.</li> <li>(e) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.</li> <li>(f) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.</li> <li>(g) Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.</li> <li>(h) Address identification through numerals or</li> </ul>	<p>(See Section 6.2 SIGNS)</p> <p><b>SIGN:</b> Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs." The following, however, shall not be considered signs in this Bylaw:</p> <ul style="list-style-type: none"> <li>(a) Flags and insignia of any government except when displayed in connection with commercial promotion.</li> <li>(b) Legal notices, or informational devices erected or required by public agencies.</li> <li>(c) Temporary displays inside windows, covering not more than thirty (30) percent of window area, illuminated by building illumination only.</li> <li>(d) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.</li> <li>(e) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.</li> <li>(f) Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.</li> <li>(g) Address identification through numerals or letters not exceeding three (3) inches in height.</li> </ul> <p><b>[pp.15-17]</b></p>
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	letters not exceeding three (3) inches in height. <b>[p. 143]</b>		
	<b>SIGN, ACCESSORY:</b> Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted therein, or advertises the property itself or any part thereof as for sale or to let, and which contains no other advertising matter. <b>[p. 143]</b>		<b>SIGN, ACCESSORY:</b> Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted therein, or advertises the property itself or any part thereof as for sale or to let, and which contains no other advertising matter. <b>[p.16]</b>
	<b>SIGN, ADULT USE ADVERTISEMENT:</b> An advertising sign or devise which advertises an adult use establishment, adult bookstore, adult video store, adult cabaret, adult paraphernalia store, or adult motion picture theater and/or advertises the trade, rental or sale of material, distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, s. 31. <b>[p. 143]</b>		<b>(SEE ADULT USE DEFINITIONS)</b>  <b>[pp.2, 3]</b>
			<b>SIGN, A-FRAME OR SANDWICH BOARD SIGN:</b> A sign consisting of two faces in an "A" shape, connected at the top, that sits on, but is not secured to, the ground. <b>[p.16]</b>
	<b>SIGN, AREA OF:</b> The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be		<b>SIGN, AREA OF:</b> The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or triangle which

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	considered to be that of the smallest rectangle or triangle which encompasses all of the letters and symbols. <b>[p. 144]</b>		encompasses all of the letters and symbols. <b>[p.16]</b>
	<b>SIGN, NONACCESSORY:</b> Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign. <b>[p. 144]</b>		<b>SIGN, NONACCESSORY:</b> Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign. <b>[p.16]</b>
	<b>SIGN, FREE-STANDING OR STANDING:</b> The term "standing" shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building. <b>[p. 144]</b>		<b>SIGN, FREE-STANDING POLE SIGN:</b> A sign that is not attached to any building but is mounted on a pole or poles or other similar support where the bottom edge of the sign is elevated off of the ground. <b>[p.16]</b>
			<b>SIGN, BLADE SIGN:</b> A projecting sign that is wholly or partly dependent on the building for support and that is fixed perpendicular to the wall on which it is mounted. <b>[p.16]</b>
			<b>SIGN, BANNER:</b> A sign on a textile, synthetic, plastic or similar material that is affixed and secured to a building or to a permanent pole, such as support pole for a building canopy or a parking lot light pole. <b>[p.16]</b>
			<b>SIGN, ELECTRONIC MESSAGE BOARD:</b> A sign capable of displaying words, images, symbols and figures utilizing a series or grid of lights that may be changed through electrostatic means using light emitting diodes (LEDs) or other similar technology. <b>[p.16]</b>
			<b>SIGNS, FEATHER BANNER OR WIND FLAG:</b> A temporary sign of flexible, lightweight fabric, or similar material that is supported along one edge and mounted to a ground base or staked into the ground and intended to blow in the wind to attract attention.

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			<b>[p.16]</b>
			<b>SIGN, FREE-STANDING MONUMENT SIGN:</b> A free-standing sign that is mounted on the ground, or on a wall or other base situated directly on the ground. <b>[p.16]</b>
	<b>SPECIAL PERMIT GRANTING AUTHORITY (SPGA):</b> The board with authority to grant special permits, which shall be the Board of Appeals unless some other board is so designated in these By-Laws. <b>[p. 144]</b>		<b>SPECIAL PERMIT GRANTING AUTHORITY (SPGA):</b> The board with authority to grant special permits, which shall be the Planning Board unless some other board is so designated in this Bylaw. <b>[p.17]</b>
	<b>STEEL FABRICATION:</b> The fabrication of steel components typically used in the construction of buildings, bridges or other structures. This includes stairs, railings, miscellaneous metal and other structural components. <b>[p. 144]</b>		<b>STEEL FABRICATION:</b> The fabrication of steel components typically used in the construction of buildings, bridges or other structures. This includes stairs, railings, miscellaneous metal and other structural components. <b>[p.17]</b>
			<b>STEEL STORAGE UNIT:</b> Something that is generally portable or movable. <b>[p.17]</b>
			<b>STORY:</b> That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see "Basement," "Building height," "Grade plane" and "Mezzanine"). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.  <b>STORY ABOVE GRADE PLANE.</b> Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is: 1. More than 6 feet (1829 mm) above grade plane; or 2. More than 12 feet

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			(3658 mm) above the finished ground level at any point.
			<b>STORY, HALF:</b> A partial story under a gable, gambrel or hip roof, the wall plates of which on any two sides do not rise more than four feet above the floor of such partial story. <i>[p.17]</i>
	<b>STREET:</b> An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. <i>[p. 144]</i>		<b>STREET:</b> An accepted Town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. <i>[p.17]</i>
	<b>STRUCTURE:</b> Anything erected at a fixed location on the ground to give support, provide shelter or satisfy other purposes (includes the term "building"). <i>[p. 144]</i>		<b>STRUCTURE:</b> Anything erected at a fixed location on the ground to give support, provide shelter or satisfy other purposes (includes the term "building"). <i>[p.16]</i>
	<b>TRAILER:</b> A vehicle without motor power designed to be drawn by a motor vehicle, used for hauling or living purposes and standing on wheels or rigid supports. (Does not include "mobile home", which is defined elsewhere). <i>[p. 144]</i>		<b>TRAILER:</b> A vehicle without motor power designed to be drawn by a motor vehicle, used for hauling or living purposes and standing on wheels or rigid supports. (Does not include "mobile home", which is defined elsewhere). <i>[p.17]</i>
	<b>TRANSPORTATION OR FREIGHT TERMINAL:</b> Terminal facilities, open or enclosed, for handling the movement of goods or persons from one place to another by a carrier. <i>[p. 144]</i>		<b>TRANSPORTATION OR FREIGHT TERMINAL:</b> Terminal facilities, open or enclosed, for handling the movement of goods or persons from one place to another by a carrier. <i>[p.17]</i>

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## ZONING DRAFT 2021 REV. 1 Updated 12/3/21

	<b>TRUCK STOP:</b> Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles. A truck stop shall also be defined to include those overnight accommodations and restaurant facilities primarily for the use of truck crews. <i>[p. 144]</i>		<b>TRUCK STOP:</b> Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles. A truck stop shall also be defined to include those overnight accommodations and restaurant facilities primarily for the use of truck crews. <i>[p.17]</i>
	<b>TRUCKING COMPANY:</b> A commercial or industrial enterprise using heavy commercial vehicles to deliver goods, freight or construction materials such as sand, gravel, loam and the like. <i>[p. 144]</i>		<b>TRUCKING COMPANY:</b> A commercial or industrial enterprise using heavy commercial vehicles to deliver goods, freight, or construction materials such as sand, gravel, loam, and the like. <i>[p.17]</i>
	<b>VARIANCE:</b> An authorization by the Board of Appeals to use property or locate a structure pursuant to M.G.L. c. 40A, s. 10. <i>[p. 145]</i>		<b>VARIANCE:</b> An authorization by the Board of Appeals to locate a structure pursuant to G.L. c. 40A, § 10. <i>[p.18]</i>
	<b>WAREHOUSE:</b> A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises. <i>[p. 145]</i>		<b>WAREHOUSE:</b> A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises. <i>[p.18]</i>
	<b>WETLAND:</b> Any perennially wet area, including all lands which are subject to the provisions of M.G.L. c. 131, s. 40. <i>[p. 145]</i>		<b>WETLAND:</b> Any perennially wet area, including all lands which are subject to the provisions of G.L. c. 131, § 40. <i>[p.18]</i>
	<b>WIDTH OF PARKING STALL:</b> The linear dimension measured across the stall and parallel to the maneuvering aisle. <i>[p. 145]</i>		
	<b>YARD:</b> An unoccupied space open to the sky on the same lot with a building or structure. <i>[p. 145]</i>		<b>YARD:</b> An unoccupied space open to the sky on the same lot with a building or structure. <i>[p.19]</i>